

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Public Utilities Act.

Mr. Robertson

TORONTO

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EXPLANATORY NOTE.

This Bill is self-explanatory.

101

No. 101 1947

BILL

An Act to amend The Public Utilities Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 16 of *The Public Utilities Act* is amended by Rev. Stat.. adding at the end thereof the words "milk, bread and fuel", amended. so that the said section shall now read as follows:
 - 16. In this Part, "public utility" shall mean artificial Interpreand natural gas, electrical power or energy, steam "Public and hot water, milk, bread and fuel.
- 2. This Act may be cited as The Public Utilities Amend-Short title. ment Act, 1947.

BILL

An Act to amend The Public Utilities Act.

1st Reading March 21st, 1947

2nd Reading

3rd Reading

Mr. Robertson

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Jurors Act.

Mr. Blackwell

EXPLANATORY NOTES.

Section 1. The only change in the section is in the case of the County of York where the number of jurors which a judge may direct to be returned is increased from 384 to 500. This increase has become necessary by reason of the increased volume of work in the courts.

Section 2. Subsection 1 of section 91 of *The Jurors Act* prescribes a rate of \$4 per diem for jurymen. Subsection 6 provides:

In a county, the county council, and in a provisional judicial district, the Lieutenant-Governor in Council, may increase the per diem allowance to jurors to any sum not exceeding \$5.

The effect of the amendment is to provide for a uniform rate of \$6 per diem throughout the Province.

The travelling allowance is increased from thirteen cents per mile to fifteen cents per mile.

BILL

An Act to amend The Jurors Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Subsection 1 of section 50 of *The Jurors Act* is repealed c. 108, s. 50, and the following substituted therefor:

 Rev. Stat., c. 108, s. 50, subs. 1, re-enacted.
 - (1) Where a judge of the Supreme Court deems it When two or more necessary to have two or more sets of petit jurors sets of petit to serve at any sittings of the Supreme Court he may direct the sheriff to return such number of petit jurors, as he may think fit, not exceeding,—
 - (a) in the County of York, five hundred;
 - (b) in the County of Wentworth, two hundred and sixteen; and
 - (c) in any other county, one hundred and forty-four,

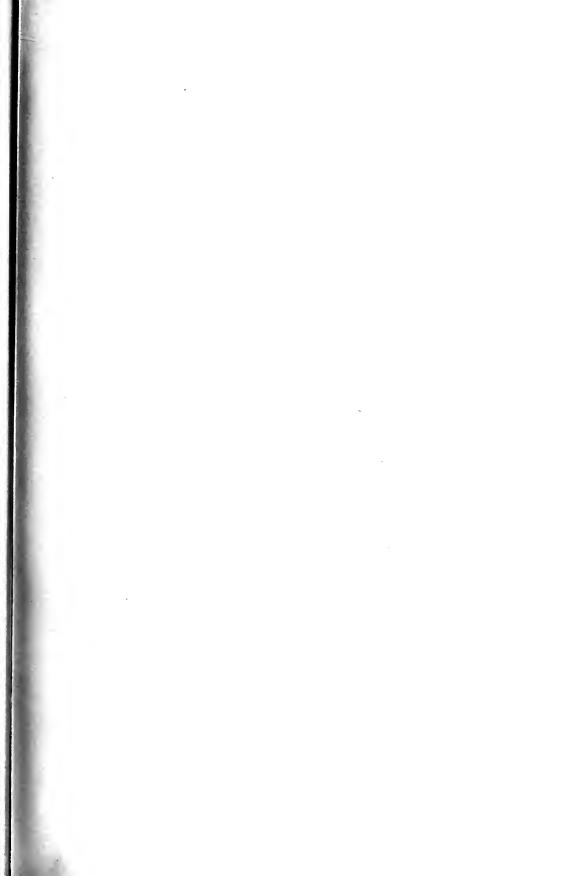
and the judge shall fix and direct the number of sets and the day for which each set shall be summoned.

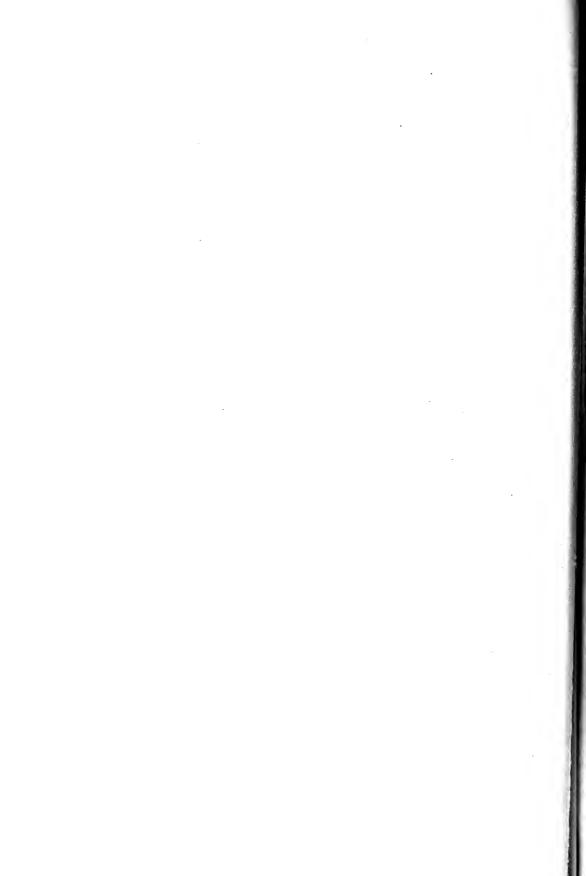
- 2.—(1) Subsection 1 of section 91 of *The Jurors Act* is Rev. Stat., amended by striking out the symbol and figure "\$4" in the subs. 1, sixth line and inserting in lieu thereof the symbol and figure amended. "\$6", and by striking out the word "thirteen" in the eighth line and inserting in lieu thereof the word "fifteen", so that the said subsection shall now read as follows:
 - (1) Every grand juror actually attending a sittings of Jurors' fees and the Supreme Court or of the court of general sessions mileage of the peace, and every petit juror actually attending a sittings of the Supreme Court or of the court of general sessions of the peace or a county court shall be entitled to receive the sum of \$6 per day for every day on which he is necessarily absent from his place

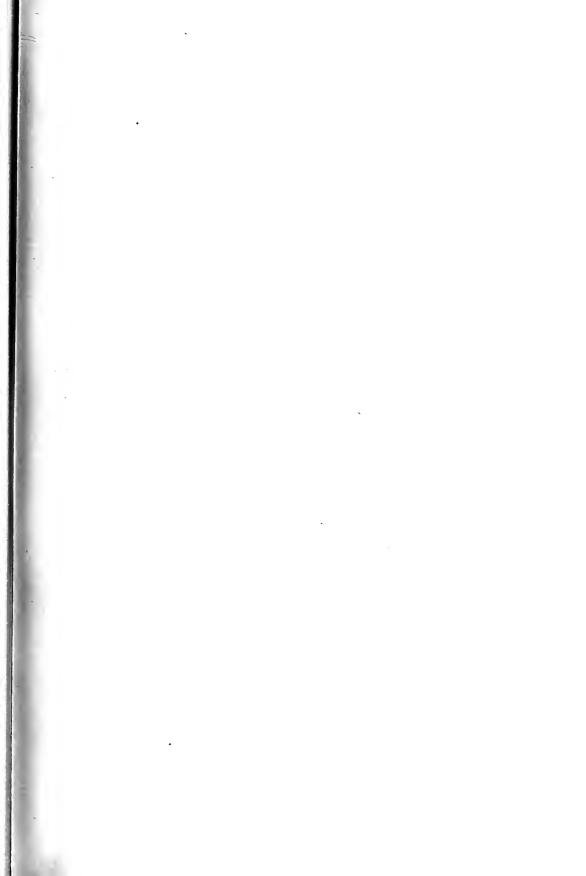
of residence for the purpose of attending such court, and the sum of fifteen cents for every mile he necessarily travels from his place of residence to the court.

Rev. Stat., c. 108, s. 91, subs. 6, repealed.

- (2) Subsection 6 of the said section 91 is repealed.
- Commencement of Act. 3. This Act shall come into force on the 1st day of July, 1947.
- Short title. 4. This Act may be cited as The Jurors Amendment Act, 1947.







BILL

An Act to amend The Jurors Act.

1st Reading March 21st, 1947

2nd Reading

3rd Reading

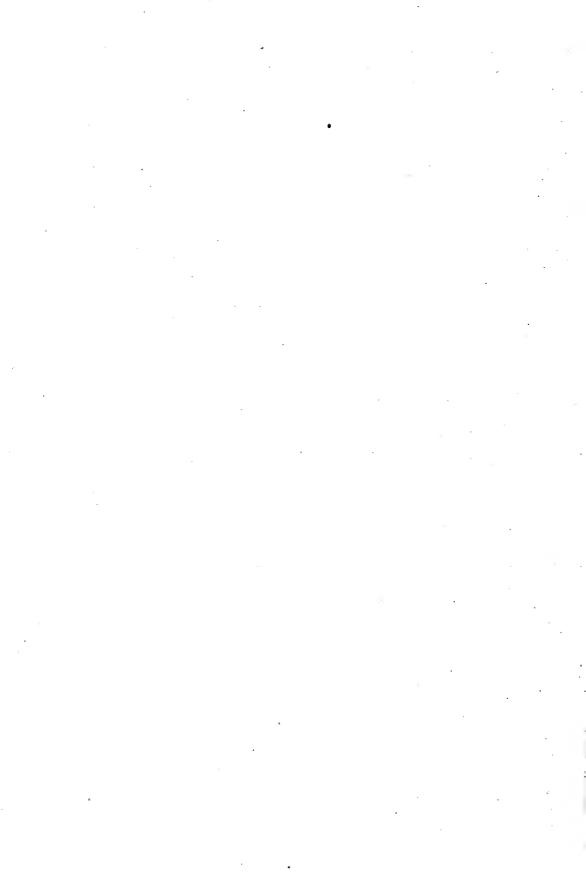
Mr. Blackwell

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Jurors Act.

MR. BLACKWELL



No. 102 1947

BILL

An Act to amend The Jurors Act.

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- 1. Subsection 1 of section 50 of *The Jurors Act* is repealed Rev. Stat., and the following substituted therefor:

 Rev. Stat., c. 108. s. 50, and the following substituted therefor:
 - (1) Where a judge of the Supreme Court deems it When two necessary to have two or more sets of petit jurors sets of petit to serve at any sittings of the Supreme Court he may direct the sheriff to return such number of petit jurors, as he may think fit, not exceeding,—
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 - (c) in any other county, one hundred and forty-four,

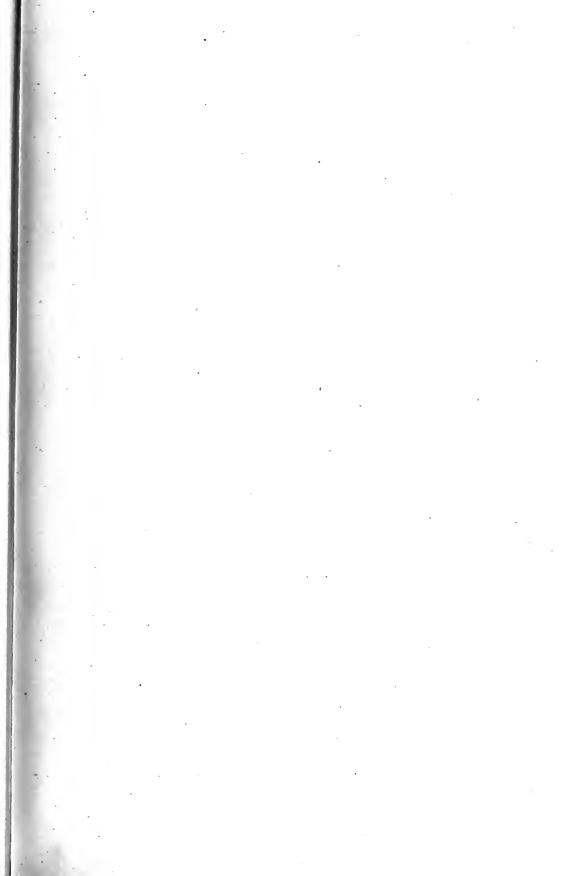
and the judge shall fix and direct the number of sets and the day for which each set shall be summoned.

- 2.—(1) Subsection 1 of section 91 of *The Jurors Act* is Rev. Stat., amended by striking out the symbol and figure "\$4" in the subs. 1, sixth line and inserting in lieu thereof the symbol and figure amended. "\$6", and by striking out the word "thirteen" in the eighth line and inserting in lieu thereof the word "fifteen", so that the said subsection shall now read as follows:
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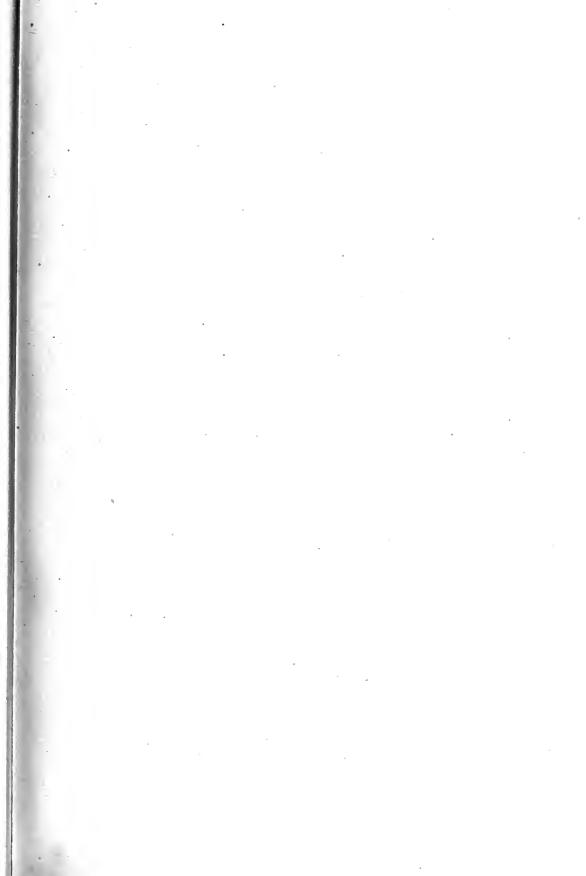
of residence for the purpose of attending such court, and the sum of fifteen cents for every mile he necessarily travels from his place of residence to the court.

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BILL An Act to amend The Jurors Act.

1st Reading

March 21st, 1947

2nd Reading

March 28th, 1947

3rd Reading
April 1st, 1947

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Mr. Blackwell.

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

The University of Toronto Act, 1947.

Mr. Drew

EXPLANATORY NOTES

The principal changes from the present Act which are incorporated in the Bill are:

- (a) provision for the appointment of the Chancellor for a three-year term by the Board of Governors and the Senate upon the recommendation of a Committee of Nomination (sections 62-67).
- (b) provision for establishing an adequate scheme of retiring allowances, life insurance and payments of a like nature for staff members (section 31);
- (c) the Board of Governors are relieved of the restriction, as to amount, now imposed upon its borrowing powers where the loan is for land or building purposes (section 30);
- (d) the maximum amount of borrowings of the Board of Governors for general purposes is raised from \$250,000 to \$500,000 (section 32 (t));
- (e) members of the Board of Governors are required to attend a minimum number of meetings in each year (section 27); and
- (f) the provisions relating to the exemption from taxation of University property and premises leased or occupied by the University are clarified (section 14).

In addition improvements in and clarification of the Act have been effected in such matters as the expansion of the definition section (section 1); the introduction of the clause type of construction in sections where an enumeration is involved (sections 5 (3), 5 (4), 5 (5), 42, 68 (1) and 68 (3)); the separation of regulation making powers from more substantive powers (sections 31 and 32); simplification of portions of the Act by the elimination of repetition (sections 68, 69 and 70); expansion of existing provisions to bring them into line with modern conditions (sections 15, 31); alterations in language to give legislative recognition to existing institutions or conditions (sections 41, 42 (b) (xii), 42 (e) and 68 (2)).

The sections above referred to are intended as examples only and not as a comprehensive list of the changes involved.

In the interests of clarity and convenience, a consolidating rather than an amending Bill is accordingly desirable.

No. 103

1947

BILL

The University of Toronto Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION AND GENERAL PROVISIONS.

1. In this Act,—

Interpreta-

- (a) "affiliated college" shall mean a college which is "affiliated affiliated with the University;
- (b) "appointed members" shall mean the members of the "appointed Board appointed by the Lieutenant-Governor in Council;
- (c) "Board" shall mean The Governors of the University "Board"; of Toronto;
- (d) "Bursar" shall mean Bursar of the University; "Bursar";
- (e) "Chancellor" shall mean Chancellor of the Univer-"Chancellor"; sity;
- (f) "college" shall include a school or other institution "college": of learning;
- (g) "Committee of Nomination" shall mean Committee "Committee of Nomination established under this Act; "Committee of Nomination";
- (h) "Comptroller" shall mean Comptroller of the Uni-troller"; versity;
- (i) "council" shall include The Council of the Faculty "council"; of Arts, The Council of University College and the council of every faculty and school;
- (j) "federated college" shall mean a college which is "federated college"; federated with the University;

"federated

(k) "federated university" shall mean a university which is federated with the University:

"head";

(l) "head", when it refers to the head of a federated university or of a federated college, shall mean the person who is or is certified by the governing body of such university or college to be the head thereof;

"Librarian";

(m) "Librarian" shall mean Librarian of the University;

"President";

(n) "President" shall mean President of the University;

"property":

(o) "property" shall include real property and all other property of every nature and kind;

"real property"; (b) "real property" shall include messuages, lands, tenements and hereditaments whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;

"Registrar";

(q) "Registrar" shall mean Registrar of the University;

"Senate":

(r) "Senate" shall mean Senate of the University;

"teaching

(s) "teaching staff" shall include professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction;

"Trinity College

(t) "Trinity College" shall mean Trinity College as established and incorporated by the Act passed in the 14th and 15th years of the reign of Her late Majesty Queen Victoria, chaptered 32, and as constituted a university by Royal Charter bearing date the 16th day of July, 1853; and

"University".

(u) "University" shall mean University of Toronto. R.S.O. 1937, c. 372, s. 1, amended.

University, University College. faculties, etc., con-tinued.

2. The provincial university, known as the University of Toronto, the provincial college, known as University College, the Senate, Convocation, the several faculties and schools of the University and the Faculty of University College, are and each of them is hereby continued, and, subject to the provisions of this Act, shall respectively have, hold, possess and enjoy all the property, rights, powers and privileges which they respectively now have, hold, possess or enjoy. R.S.O. 1937, c. 372, s. 2, amended.

Appointments. continued.

3. All appointments in and statutes and regulation's affectstatutes and ing the University and University College and each of them shall continue, subject to the provisions of this Act, and subject also, as to the teaching staff and all officers, servants and employees, to their removal by the Board. R.S.O. 1937, c. 372, s. 3.

- 4.—(1) Whenever in any Act or document reference is school of made to the School of Practical Science, the same shall apply Science and extend to the Faculty of Applied Science and Engineer-to mean Faculty of Applied Science, etc.
- (2) All money expended by the Board in the maintenance Money expended by of the faculty shall for the purposes and within the meaning Board in of the agreement bearing date the 2nd day of March, 1889, maintenbetween Her late Majesty Queen Victoria, and the Corpora-faculty. tion of the City of Toronto, be deemed to be money expended by "Her Majesty and Her Successors acting by and through the Executive Council of the Province of Ontario." R.S.O. 1937, c. 372, s. 5.

FEDERATED AND AFFILIATED INSTITUTIONS.

- **5.**—(1) Every university and every college federated with Universities and the University and every college affiliated with the University colleges, shall continue to be so federated or affiliated, subject to any affiliated. statute in that behalf and to this Act. R.S.O. 1937, c. 372, s. 6 (1).
- (2) Subject to the provisions of this Act, a college affiliated affiliated with a federated university at the time of its federation with with federated University, whether heretofore or hereafter entered into, versity, shall be deemed to be affiliated with the University.
- (3) The following are declared to be the universities Federated federated with the University:
 - (a) Victoria University; and
 - (b) Trinity College.
- (4) The following are declared to be the colleges federated Federated colleges. with the University:
 - (a) Knox College;
 - (b) Wycliffe College;
 - (c) St. Michael's College; and
 - (d) Emmanuel College of Victoria University.

Affiliated colleges.

- (5) The following are declared to be the colleges affiliated with the University:
 - (a) Albert College;
 - (b) The Ontario Agricultural College;
 - (c) The Royal College of Dental Surgeons of Ontario;
 - (d) The Ontario College of Pharmacy;
 - (e) The Ontario Veterinary College;
 - (f) The Ontario College of Art;
 - (g) The Ontario Ladies College, by reason of its having been affiliated with Victoria University when Victoria University became federated with the University; and
 - (h) St. Hilda's College, by reason of its having been affiliated with Trinity College when Trinity College became federated with the University.

Affiliated colleges, when to be represented on Senate.

(6) A college affiliated with the University since the 15th day of April, 1901, or hereafter affiliated with it shall not be entitled to representation on the Senate unless so declared by statute of the Senate. R.S.O. 1937, c. 372, s. 6 (2-6), amended.

Removal of college from federation or affiliation.

(7) The Senate may remove from federation or affiliation with the University any college, now or hereafter federated or affiliated with it, which becomes an integral part of or federates or affiliates with any other university which has and exercises the powers of conferring any degrees other than those in theology.

Colleges affiliated ated with University on dissolufederation.

(8) If and when any university now or hereafter federated with federated univer- with the University ceases to be federated with it, every college sity to cease which is affiliated with the University by reason only of its to be affiliated with the University by reason only of its having been affiliated with such federated university shall thereupon and thereafter cease to be affiliated with the University, but shall retain the same relation with the federated university with which it was affiliated as existed when such federated university became federated with the University.

Arts faculties of Victoria, Trinity ind St. Michael's.

(9) The arts faculties of Victoria University, Trinity College and St. Michael's College in their relation to the University shall be known as and may be called colleges of the University bearing respectively as such colleges the names Victoria College, Trinity College and St. Michael's College. R.S.O. 1937, c. 372, s. 6 (7-9).

6.—(1) When any university in Ontario determines to Admission of unisurrender its degree-conferring powers, except the power of versities to federation. conferring degrees in theology, and notifies the Board of such determination, the Board may by statute declare such university to be federated with the University on and from a day to be named in the statute, and thereupon and thereafter the power of such federated university to confer degrees, except in theology, shall be suspended.

- (2) Every such statute shall be published forthwith after Publication the passing thereof in the Ontario Gazette.
- (3) The power and authority of conferring degrees, except Suspension in theology, of any university now or hereafter federated conferring with the University shall be suspended and in abeyance, but during may be resumed by such federated university if three years federation. have elapsed from the date when its federation with the Uni-Proviso. versity took effect, and if after the lapse of such three years one year's notice in writing of its intention to resume its degree-conferring powers has been given to the Board, and such federated university shall cease to be federated with the University at and after the expiry of the last-mentioned period.

(4) Notice that any such federated university has ceased Notice of dissolution to be federated with the University and the date when it of federation. ceased to be so federated shall be published in the Ontario Gazette.

(5) The graduates and undergraduates in arts, science and Rights of graduates law of a federated university and such graduates and under-graduates of graduates thereof in medicine as have passed their examina-graduates federated tions in Ontario, so long as such federation continues, shall have and enjoy the same degrees, honours and status in the University as they held and enjoyed in the federated university. R.S.O. 1937, c. 372, s. 7.

7.—(1) No religious test shall be required of any professor, Religious lecturer, teacher, officer or servant of the University or of not re-University College, or of any student thereof or therein, nor quired. shall religious observances according to the forms of any religious denomination or sect be imposed on them or any of them, but the Board may make regulations touching the moral Moral and religious conduct of the students thereof and therein and their attend-training. ance on public worship in their respective churches or other places of religious worship and their religious instruction by their respective ministers, according to their respective forms of religious faith, and every requisite facility shall be afforded for such purposes, but attendance on such forms of religious observances shall not be compulsory on any student attending the University or University College.

Right of federated universities

(2) Nothing in this section shall interfere with the right of a federated university or college to make such provision in and colleges regard to religious instruction and religious worship for its own students as it may deem proper, and to require the same to be observed as a part of its own discipline. R.S.O. 1937, c. 372, s. 8.

PROPERTY.

Accounts of proceeds of sales of lands set apart for University and University College.

8.—(1) Separate accounts of the proceeds of the sales of the lands set apart for the use of the University and University College or either of them by the Act passed in the 60th year of the reign of Her late Majesty Queen Victoria, chaptered 59, and by the Act passed in the third year of the reign of His late Majesty King Edward the Seventh, chaptered 36, as amended by the Act passed in the 5th year of the same reign, chaptered 36, and by the Act passed in the last-mentioned year, chaptered 37, shall continue to be kept by the proper officers and departments and yearly accounts thereof to be furnished to the Board, as provided in those Acts, and all money derived from such sales shall be paid to the Board free from all charges or deductions for management or otherwise.

Rights of University as to such lands pre-

(2) The repeal of the Acts and parts of Acts mentioned in subsection 1 shall not affect or impair the right of the University and University College or either of them to have the lands mentioned therein set apart in accordance with and subject to the provisions thereof.

Annual grant of \$7,000 continued.

(3) The annual grant of \$7,000, provided for by the firstmentioned Act, shall continue to be paid to the Board as provided therein, and the same shall form a charge upon and be paid from time to time out of the Consolidated Revenue Fund. R.S.O. 1937, c. 372, s. 9.

Property vested in trustees transferred to Board.

9. All property heretofore or hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the University and University College or either of them or of any faculty, school or department thereof or otherwise in connection therewith, subject always to the trust affecting the same, shall be vested in the Board. 1937, c. 372, s. 10, amended.

Queen's Park.

10. The land demised to the Corporation of the City of Toronto for the purpose of a park under the authority of section 66 of chapter 62 of the Consolidated Statutes of Upper Canada shall, so long as the lease remains in force, form part of the City of Toronto and the residue of the land adjacent to the park which is vested in the Board shall be subject to the police regulations of the corporation and the council thereof and except as herein otherwise provided to the by-laws thereof. R.S.O. 1937, c. 372, s. 11.

11. All real property vested in the Board shall, as far as Application the application thereto of any statute of limitations is con-of limitacerned, be deemed to have been and to be real property vested property. in the Crown for the public uses of Ontario. R.S.O. 1937, c. 372, s. 12.

12. The dedication heretofore by the Crown for any pur-Former pose of any real property held for the purposes of the Uni-to Univerversity and University College or either of them has not taken sity not to away from such real property any rights or privileges which of lands as it enjoyed as Crown lands or prejudicially affected the same, lands. but all such rights and privileges remain in full force and effect. R.S.O. 1937, c. 372, s. 13.

13.—(1) The real property vested in the Board shall not Land vested in Board not be liable to be entered upon, used or taken by any municipal liable to exor other corporation or by any person possessing the right of taking land compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

(2) Subsection 1 shall apply to real property owned by Norland or vested in any university or college federated with the the other University. R.S.O. 1937, c. 372, s. 14.

14.—(1) The property real and personal vested in the Exemption Board and any lands and premises leased to or occupied by from taxathe Board shall not be liable to taxation for provincial, municipal or school purposes, and shall be exempt from every description of taxation; but except as mentioned in subsections 2 and 3, and unless otherwise by law exempt, the interest of every lessee under a lease from the Board and every occupant Lessees, other than the Board of real property vested in the Board shall be liable to taxation. R.S.O. 1937, c. 372, s. 15 (1), amended.

(2) The liability to taxation of the interest of a lessee or Lessees or occupant mentioned in this section shall not extend to the of certain interest of a lessee or occupant being a member of the teaching exempted. staff or an officer or servant of the University or of University College who, or being an association of undergraduates or an incorporated society of undergraduates or of graduates and undergraduates which, is the lessee or occupant of any part of the property commonly known as the University Park, composed of the north halves of park lots numbers eleven, twelve and thirteen in the first concession from the Bay, in the Township of York, now in the City of Toronto, and including that part of park lot number fourteen in the first concession, described in a conveyance to Her late Majesty Queen Victoria, registered as number 8654R in the registry

office for the registry division of the City of Toronto, but the interest of every such lessee or occupant shall be exempt from taxation. R.S.O. 1937, c. 372, s. 15 (2).

Certain land of federated bodies also exempt.

(3) Those parts of the lots mentioned in subsection 2 which are now or hereafter may be owned, leased or occupied by any federated university or federated college for the purposes of such university or college shall also be exempt from taxation in the same way and to the same extent as the real property vested in the Board and lands and premises leased to or occupied by the Board are by subsection 1 exempted from taxation. R.S.O. 1937, c. 372, s. 15 (3), amended.

Endowment of chairs, scholarships, etc.

15. Any person with the approval of the Board may, under and subject to such terms and conditions as he may prescribe, endow a chair or found a fellowship, scholarship, bursary, exhibition, medal, prize or other award in the University or University College, or aid the University and University College and each of them by providing an endowment for any other purpose or object in connection therewith. R.S.O. 1937, c. 372, s. 16, amended.

BOARD OF GOVERNORS.

Board of Governors.

16. The Board of Governors of the University and University College is continued as a body corporate by the name and style of "The Governors of the University of Toronto," and shall have in addition to the rights, powers and privileges mentioned in section 28 of The Interpretation Act, the power to take and hold real property for the purposes of the University and of University College without licence in mortmain. R.S.O. 1937, c. 372, s. 17.

Rev. Stat., c. 1.

> 17.—(1) The Board shall consist of the Chancellor and the President of the University, who shall be ex officio members, and twenty-two persons appointed by the Lieutenant-Governor in Council.

Nomination

of certain members of

Board of Governors

by Alumni.

Composi-

tion of Board.

> (2) The Alumni Federation of the University of Toronto may nominate eight of the twenty-two persons so to be appointed by the Lieutenant-Governor in Council and such nomination shall be by general vote of the members of the Alumni Federation of the University of Toronto who are graduates of the University, and such vote shall be taken by closed voting papers mailed or delivered by the members to the secretary-treasurer of the said Federation at such time and subject to such regulations as may be made by the Alumni Council of the said Federation with the approval of the Lieutenant-Governor in Council.

Nominees to be appointed arise.

(3) Vacancies hereafter occurring by the expiry of the vacancies term of office or by death or resignation or from any other cause among the appointed members may be filled from among the persons so nominated until eight such persons have been appointed, and in the case of vacancies caused by death or resignation or from any cause other than the expiry of the term of office the member appointed shall hold office for the remainder of the term for which the member whose place is to be filled was appointed.

- (4) The persons declared to be ineligible for appointment Who inas members of the Board shall not be eligible for nomination nomination. by the Alumni Federation of the University of Toronto. R.S.O. 1937, c. 372, s. 18.
- **18.** No person shall be eligible for appointment as a mem-Disqualifiber of the Board unless he is a British subject and his customary place of residence is in the Province of Ontario. R.S.O. 1937, c. 372, s. 19, amended.
- 19. One of the members of the Board shall be appointed Chairman. by the Lieutenant-Governor in Council to be its chairman. R.S.O. 1937, c. 372, s. 20.
- **20.**—(1) The Board may appoint one of its members to Appoint be vice-chairman, and in case of the absence or illness of the vice-chairman, or of there being a vacancy in the office of chairman, the vice-chairman shall act as and have all the powers of the chairman.
- (2) In case of the absence or illness of the chairman, and Chairman the vice-chairman, the Board may appoint one of its members to act as chairman pro tempore and the member so appointed shall act as and have all the powers of the chairman.
- (3) All acts which lawfully might have been done by the validity of chairman, when done by the acting vice-chairman, or by a chairman *pro tempore* shall be conclusively deemed to have been lawfully done, and it shall not be necessary to prove that any of the causes mentioned in subsection 1 for the vice-chairman acting, or that any of the causes mentioned in subsection 2 for the appointment of a chairman *pro tempore* in fact existed. R.S.O. 1937, c. 372, s. 21.
- **21.** Unless and until otherwise provided by the Board, Quorum. seven members shall constitute a quorum. R.S.O. 1937, c. 372, s. 22.
- 22. Notwithstanding any vacancy in the Board, as long as Ten members are at least ten members it shall be competent for the exercise Board to exercise all or any of its powers. R.S.O. 1937, powers. c. 372, s. 23.

Term of office.

23. The appointed members of the Board shall hold office for six years, and until their successors are appointed. R.S.O. 1937, c. 372, s. 24.

Members may be reappointed.

24. An appointed member of the Board shall be eligible for re-appointment. R.S.O. 1937, c. 372, s. 25.

Removal from office.

25. An appointed member of the Board may be removed by the Lieutenant-Governor in Council. R.S.O. 1937, c. 372, s. 26.

Heads of federated universities, etc., ineligible.

26. The head of University College, the head of a federated university, or of a federated or an affiliated college, a member of the teaching or administrative staff of the University, of University College, of a federated university, or of a federated or affiliated college, shall not be eligible to be appointed as a member of the Board. R.S.O. 1937, c. 372, s. 27 (1), amended.

Member becoming ineligible.

27.—(1) If a member of the Board, after his appointment, accepts or occupies any of the offices or positions mentioned in section 26, or ceases to have his customary place of residence in the Province of Ontario, or becomes mentally ill or otherwise incapable of acting as a member, he shall *ipso facto* vacate his office, and it shall be the duty of the Board, by resolution, to declare his membership vacant. R.S.O. 1937, c. 372, s. 27 (2), *part*, *amended*.

Absence from meetings.

(2) If, within any fiscal year of the University, a member of the Board, not having been granted leave of absence by the Board, attends less than forty per centum of the meetings of the Board, the Board may, by resolution, declare his membership vacant.

Idem.

(3) If, within any fiscal year of the University, a member of the Board, not having been granted leave of absence by the Board, attends less than twenty per centum of the meetings of the Board, he shall *ipso facto* vacate his office and it shall be the duty of the Board, by resolution, to declare his membership vacant. *New*.

Proof.

(4) A resolution passed under this section entered upon the minutes of the Board shall be conclusive evidence of the vacancy therein declared. R.S.O. 1937, c. 372, s. 27 (2), part, amended.

Filling vacancies.

28. Where a vacancy on the Board happens before the term of office for which a member has been appointed has expired, the vacancy shall be filled by the appointment by the Lieutenant-Governor in Council of a successor, who shall hold office for the remainder of the term. R.S.O. 1937, c. 372, s. 28.

- 29. The government, conduct, management and control of Government, the University and of University College, and of the property, University revenues, business and affairs thereof, shall be vested in the Board. Board. R.S.O. 1937, c. 372, s. 29.
- **30.**—(1) In order to enable the Board to provide for the Borrowing purchase of such land, and the erection of such buildings as Board. the Board may from time to time deem necessary for the purposes of the University and of University College, including additions to, improvements of, and equipment for buildings now or hereafter erected, the Board may from time to time borrow such sums as the Board may from time to time deem necessary for such purposes, and may make and execute such instruments as may be deemed requisite for securing payment of the sums so borrowed, and the interest thereon. R.S.O. 1937, c. 372, s. 30 (1), amended.
- (2) The sums so borrowed and the interest thereon shall Money stand and be charged upon all the property vested in, and be charge on the revenues and income of the Board, and it shall not be property. necessary that any formal instrument declaring such charge shall be executed or registered.
- (3) The power of borrowing hereby conferred shall not be Approval of exercised unless with the approval of the Lieutenant-Governor Governor in Council, who may prescribe the terms and conditions on Council. which from time to time the power shall be exercised and the money borrowed, and the nature of the securities to be given by the Board for the repayment of the money borrowed and of the interest thereon, which may be bonds, debentures, terminable annuities or such other form of security as the Lieutenant-Governor in Council may direct or authorize. R.S.O. 1937, c. 372, s. 30 (2, 3).
- (4) The power of borrowing hereby conferred shall be a Borrowing powers exercontinuing one, and shall include the power of reborrowing. cisable from time to time.
- (5) The Lieutenant-Governor in Council for and in the Governor in name of the Province of Ontario may guarantee the securities Council may for all sums borrowed by the Board under the authority of loans. this section, and the performance of the stipulations on its part contained in such securities.
- (6) The form and manner of the guaranty shall be deter-Form of guaranty mined by the Lieutenant-Governor in Council and the guaranty shall be signed by the Treasurer of Ontario or by such officer or person as shall be designated for that purpose by the Lieutenant-Governor in Council.
- (7) Every guaranty so signed shall be binding on the Binding Province and the purchaser of any security so guaranteed Province.

shall not be bound to inquire into the authority of the officer or person signing the guaranty. R.S.O. 1937, c. 372, s. 30 (5-7).

Regulations.

31. The Board shall have power to make regulations,—

Conduct of proceedings.

(a) pertaining to the meetings of the Board and its transactions and fixing the quorum of the Board;

Committees.

- (b) providing for the appointment of committees by the Board and for the conferring upon any of such committees of authority to act for the Board with respect to any matter or class or classes of matters, but,
 - (i) a majority of the members of every such committee, including in the computation thereof the *ex officio* members, shall be members of the Board, and
 - (ii) no decision of a committee which includes in its membership persons who are not members of the Board, shall be valid or effective until approved and ratified by the Board;

Retirement of staff.

(c) providing for the retirement and superannuation of the persons mentioned in clause a of section 32;

Pensions.

(d) providing for payments by way of gratuities, retiring allowances, superannuation allowances, pensions, annuities or life insurance or any combination thereof, payable to, in respect of or for the benefit of the persons mentioned in clause a of section 32 or any class or classes thereof out of a fund or funds comprising contributions made by such persons or any class or classes thereof, or by the Board, or both, or otherwise, whether effected by agreements or arrangements entered into with one or more insurance companies licensed to transact business in Ontario or with His Majesty in right of Ontario, or His Majesty in right of Canada, or otherwise;

Pension plan.

(e) providing for the termination or variation of any plan heretofore or hereafter established having those purposes mentioned in clause d, or any of them;

Health service, physical training, etc. (f) providing for and governing a health service and health examination and physical instruction and training of the students of the University and University College; and

(g) for the management, government and control of Control of residences and dining halls for the use of the students etc. of the University and of University College. R.S.O. 1937, c. 372, s. 31, cls. (a), (c), (i), (m), amended.

32. Without thereby limiting the general powers by this Act Powers of conferred upon or vested in the Board, it is declared that the Board shall have power to,—

- (a) appoint the President of the University, the Principal Appointment of of University College, the deans of all the faculties, President, Deans, prothe Comptroller of the University, the Librarian of fessors, etc. the University, the Bursar of the University, the Registrar of the University, the Registrar of University College, the professors, teachers and instructors of and in the University and in University College, and all such officers, clerks, employees and servants as the Board may deem necessary for the purposes of the University and University College or either of them, and fix their salaries or remuneration, and define their duties, except those of the Librarian, and their tenure of office or employment, which, unless otherwise provided, shall be during the pleasure of the Board; but no person shall be appointed as Principal of University College, or as a dean of any faculty, or as a member of the teaching staff of the University or of any faculty or school thereof or of University College, unless he has been first Appointnominated by the President of the University and approved by the no dean of a faculty or member of the teaching President. staff of the University or of any faculty or school thereof, or of University College, shall be promoted, and no Principal of University College or dean of a faculty or member of such teaching staff shall be removed from office except upon the recommenda-Removals. tion of the President of the University, but this provision shall not apply where there is a vacancy in the office of President; R.S.O. 1937, c. 372, s. 31, cl. (b), amended.
- (b) subject to the limitations imposed by any trust as Investments to the same, invest all such money as shall come to the hands of the Board, and is not required to be expended for any purpose to which it lawfully may be applied, in such manner as to the Board may seem meet:
- (c) purchase, take and hold by gift or devise real property Acquiring for the purposes of the University and University real College, or either of them, without licence in mort-property. main, and every person shall have the unrestricted

right to devise and bequeath property, real and personal, for the purposes of the University and University College, or either of them, to the Board, or otherwise for such purposes;

Acquiring other property.

(d) purchase and acquire all such property as the Board may deem necessary for the purposes of the University and University College, or either of them, and such power shall include that of purchasing the interest of a lessee in any real property vested in the Board which is under lease; R.S.O. 1937, c. 372, s. 31, cls. (d-f).

Expropriation of lands.

(e) without the consent of the owner or of any person interested therein enter upon, take, use and expropriate all such real property as the Board may deem necessary for the purposes of the University and University College, or either of them, or of any other university or college federated with the University at the cost and expense of such federated university or college, making due compensation for any such real property to the owners and occupiers thereof, and all persons having any interest therein, and the provisions of The Municipal Act as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation, shall mutatis mutandis apply to the Board, and to the exercise by it of the powers conferred by this clause, and where any act is by any of such provisions required to be done by the clerk of a municipality, or at the office of such clerk, the like act shall be done by the Comptroller or the Bursar, or at the office of the Comptroller or the Bursar, as the case may be; R.S.O. 1937, c. 372, s. 31, cl. (g), amended.

Rev. Stat., c. 266.

(f) acquire, hold, maintain and keep in proper order and condition such real property as the Board may deem necessary for the use of the students of the University and University College, and each of them, for athletic purposes, and erect and maintain such buildings and structures thereon as it may deem necessary; R.S.O. 1937, c. 372, s. 31, cl. (h).

Acquiring and maintaining real property for athletic purposes.

(g) provide such means for a health service and health examination and physical instruction and training of the students of the University and University College as to the Board may seem meet; R.S.O. 1937, c. 372, s. 31, cl. (i), amended.

Providing means for health service, physical training.,etc.

(h) sell any of the real property vested in the Board or

Selling and leasing lands. lease the same for any period not exceeding twenty-one years to commence in possession, with such right of renewal and under and subject to such rents, covenants, agreements, and conditions as to the Board may seem meet; R.S.O. 1937, c. 372, s. 31, cl. (j).

- (i) dedicate real property vested in the Board for public Dedication highways or other public purposes upon such terms property. and conditions as to the Board may seem meet; New.
- (j) lay out and expend such sums as the Board may deem Expenditure necessary for the support and maintenance of the maintenance University and University College and each of them, and improvements. and for the betterment of existing buildings, and the erection of such new buildings as the Board may deem necessary for the use or purposes of the University and University College, and of each of them, and for the furnishing and equipment of such existing and newly erected buildings;
- (k) lay out and expend such sums as the Board may deem Residences necessary for the erection, equipment, furnishing and halls, etc. maintenance of residences and dining halls for the use of the students of the University and University College, and of each of them, whether such students are graduates or undergraduates, and acquire and take over from any corporation any rights and powers possessed by it in respect of University residences and any property vested in it, on such terms as may be agreed on between such corporation and the Board, and such corporation may enter into and carry out any agreement for such purposes, and upon the agreement being completed such corporation shall, if so provided by the terms of the agreement. be dissolved, and its rights, powers and property be vested in the Board; R.S.O. 1937, c. 372, s. 31, cls. (k, l).
- (l) lay out and expend such sums as may be required Gratuities, for the purposes of funds which are established for the payment of gratuities, retiring allowances, pensions or life insurance under regulations made pursuant to clause d of section 31; New.
- (m) establish such faculties, schools, institutes, depart-Establishing ments, chairs and courses of instruction in the departments. University, and such departments, chairs and courses of instruction in University College in any subject except theology, as to the Board may seem meet; R.S.O. 1937, c. 372, s. 31, cl. (n), amended.

Federation of colleges.

(n) provide for the federation with the University of any college established in Ontario for the promotion of art or science, or for instruction in law, medicine, engineering, agriculture or any other useful branch of learning, on such terms as to representation on the Senate and otherwise as to the Board may seem meet, and enter into any agreement which may be deemed necessary to effectuate such federation;

Affiliation of colleges.

(o) provide for the affiliation with the University of any college established in Canada for the promotion of art or science, or for instruction in law, medicine, engineering, agriculture, or any other useful branch of learning, on such terms as to the Board may seem meet, and enter into any agreement which may be deemed necessary to effectuate such affiliation;

Dissolution of affiliation.

(p) provide for the dissolution of any such affiliation or of any existing affiliation or for the modification or alteration of the terms thereof; R.S.O. 1937, c. 372, s. 31, cls. (o-q).

Fees.

(q) fix from time to time the fees to be paid for post-graduate instruction, and for instruction in all faculties, schools, institutes, departments and courses now in existence or hereafter established, the fees to be paid by regular and occasional students in the University and in University College for enrolment therein, the library fees, the laboratory supply fees, the physical training fees, the health service fees, and the fees for examinations, degrees and certificates, and when a federated college by arrangement with the proper authorities teaches any part of the course in arts, make such reduction in the fees payable by the students so taught in such college as to the Board may seem reasonable;

Arrangements with secondary and primary schools.

(r) enter into such arrangements with the governing body of any secondary or primary school as the Board may deem necessary for the purpose of or in connection with the academic work of the University or of any faculty, school, institute or department thereof, and the governing body of any such school which is a collegiate institute, a high school, a day vocational school or public or separate school, may, with the approval of the Lieutenant-Governor in Council, make such arrangements with the Board;

Establishing, etc., schools. (s) establish, erect, equip, maintain and conduct such schools as may be deemed requisite for the purpose

of practice and observation or otherwise for or in connection with the Ontario College of Education, and fix the fees to be paid for instruction in such schools:

- (t) borrow from time to time from any bank or lender Borrowing on such terms as may be agreed on such sums of from bank money as may be required for the purposes of the University and of University College, but,
 - (i) the total sum to be so borrowed and remaining unpaid at any one time shall not, without the approval of the Lieutenant-Governor in Council, exceed \$500,000, and
 - (ii) a bank or lender shall not be bound to inquire as to the necessity for borrowing, but where any loan is made, it shall be deemed to have been lawfully made under the authority of this section; R.S.O. 1937, c. 372, s. 31, cls. (r-u), amended.
- (u) purchase or otherwise acquire any invention or Power to any interest therein, or any rights in respect thereof, patents. etc. or any secret or other information as to any invention, and apply for, purchase or otherwise acquire any patents, interests in patents, licences and the like conferring any exclusive or non-exclusive or limited right to make or use or sell any invention or inventions and use, exercise, develop, dispose of, assign or grant licences in respect of or otherwise turn to account the property rights or information so acquired, and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of any invention or any rights in respect thereof, or the owner of a patent of invention or of any rights thereunder may possess, exercise and enjoy;
- (v) apply for, purchase or otherwise acquire any trade Power to marks or trade names and the like or any interest trade marks. therein and use, dispose of, assign or otherwise turn to account the trade marks, trade names and interests so acquired, and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of a trade mark or trade name or the like may possess, exercise and enjoy; and
- (w) apply for, purchase or otherwise acquire any copy-Power to right or like right or any interest therein or right copyright. thereunder, and use, exercise, develop, dispose of,

assign or grant licences in respect of or otherwise turn to account any copyright or like right or any interest or right so acquired, and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of a copyright or like right or of any interest therein or right thereunder may possess, exercise and enjoy. R.S.O. 1937, c. 372, s. 32, part.

Alterations

33. The Board may modify, alter and change the constituconstitution, tion of any body constituted or continued by this Act, except the Senate, and create such new bodies as may be deemed necessary for the purpose of carrying out the objects and provisions of this Act, and also confer upon the bodies constituted or continued by this Act, or any of them, and upon any new body hereafter constituted, such powers as to the Board may seem meet, but nothing herein shall authorize any abridgement of the powers conferred upon the Senate by section 48. R.S.O. 1937, c. 372, s. 33.

Committee of students.

34.—(1) The Board may make provision for enabling the students of the University, University College and the federated universities and federated colleges to appoint a representative committee of themselves to be chosen in such manner as shall be approved by the Board, which shall be the recognized official medium of communication on behalf of such students between them and the Board.

Right to

(2) The committee shall have the right to make communimake communications. cations through the President of the University to the Board upon any subject in which they are or may deem themselves to be interested.

Saving individual rights.

(3) Nothing herein shall take away or impair the right of any student of or in the University or University College to make complaint to the governing bodies thereof or to the Board in respect of any matter as to which he is or may deem himself to be entitled to complain; but every such complaint shall be transmitted through the President to the Board or to the proper governing body, as the case may be, and in no other manner.

Saving control of federated bodies.

(4) Nothing in this section shall impair or affect the right of control which any federated university or college possesses over its students. R.S.O. 1937, c. 372, s. 34.

Endowment not to be impaired without consent of Government

35.—(1) The Board shall not incur any liability or make any expenditure which has the effect of impairing the endowment of the University and University College, or any addition to such endowment hereafter made, unless an estimate therefor has been first made and approved by the Lieutenant-Governor in Council.

- (2) In this section "endowment" shall mean the real "Endowment," property vested in the Board, the proceeds of any part meaning of thereof sold, and the money invested in mortgages or other securities. R.S.O. 1937, c. 372, s. 35.
- **36.** Save as in this Act otherwise expressly provided, the Action of action of the Board in any matter with which it may deal shall resolution be by resolution or by statute, as the Board may determine, or statute but it shall not be essential to the validity of any such resolution or statute that it be under the corporate seal of the Board if it is authenticated in the manner prescribed by the Board. R.S.O. 1937, c. 372, s. 37.
- **37**. The accounts of the Board shall be audited at Accounts of least once a year by the Provincial Auditor, or by some person audit of. appointed by the Lieutenant-Governor in Council for that purpose. R.S.O. 1937, c. 372, s. 38 (1).
- **38.**—(1) The Board shall make an annual financial report Annual financial to the Lieutenant-Governor in Council in such form as the report. Lieutenant-Governor in Council may from time to time require. R.S.O. 1937, c. 372, s. 38 (2), amended.
- (2) The report shall be transmitted to the Provincial Secretor to be transtary on or before the 1st day of December next after the mitted. close of the year for which it is made, and shall be laid before the Assembly forthwith if the Assembly is then in session or if it is not then in session, within ten days after the commencement of the next session. R.S.O. 1937, c. 372, s. 38 (3).
- **39.** Without the written consent of the Attorney General Consent of no action shall be brought against the Board or against any General to member of it on account of anything done or omitted by him against in the execution of his office. R.S.O. 1937, c. 372, s. 39.
- **40.** If any question arises as to the powers or duties of the powers of council of University College, of the council of any faculty or deciding school, of the Caput, of the President, of the Principal of questions as University College, or of any officer or servant of the Uni-and duties. versity or of University College, it shall be settled and determined by the Board, whose decision shall be final. R.S.O. 1937, c. 372, s. 40, amended.
- **41.** All the powers over, in respect of, or in relation to Residual the University and University College which are not by the Board. the terms of this Act directed to be exercised by any other person or body of persons, are hereby, subject to the provisions of this Act, vested in the Board. *New*.

THE SENATE.

42. The Senate of the University shall be composed as Senate,—how composed.

- (a) the following shall be ex officio members,—
 - (i) the Chancellor,
 - (ii) the President,
 - (iii) the Chairman of the Board,
 - (iv) the Principal of University College,
 - (v) the president or other head of each federated university and federated college,
 - (vi) the dean of each faculty of the University,
 - (vii) the Librarian,
 - (viii) the President of the Alumni Federation of the University of Toronto,
 - (ix) every person who has occupied the office of Chancellor, and
 - (x) every person who has occupied, for a period of at least seven years, the office of President;
- (b) the faculties shall be entitled to representation as follows and the representatives of the faculties other than the Faculty of Arts of the University shall be elected by their respective faculty councils,—
 - (i) the Faculty of Arts of the University, with the exception of the Department of Law, by the professors, not including associate professors or assistant professors, of the Faculty, each of whom shall be a member of the Senate,
 - (ii) the Faculty of University College, by six members,
 - (iii) the Faculty of Victoria College, by five members,
 - (iv) the Faculty of Trinity College, by five members,
 - (v) the Faculty of St. Michael's College, by five members,
 - (vi) the Faculty of Medicine, by eight members,

- (vii) the Faculty of Applied Science and Engineering, by eight members,
- (viii) the Faculty of Household Science, by two members,
- (ix) the Ontario College of Education, by two members,
- (x) the Faculty of Forestry, by two members,
- (xi) the Faculty of Dentistry, by five members,
- (xii) the School of Law, by two members, and
- (xiii) the Faculty of Arts of every university and arts college hereafter federated with the University, by five members each;
- (c) one member shall be appointed by each federated university;
- (d) two members shall be appointed by each federated college except St. Michael's College which shall appoint one member;
- (e) one member shall be appointed by the governing body
 of every college which is now or shall hereafter be
 affiliated and entitled to appoint a representative;
- (f) one member shall be appointed by each of the following,—
 - (i) The Law Society of Upper Canada,
 - (ii) The College of Physicians and Surgeons of Ontario,
 - (iii) The Ontario Association of Architects, and
 - (iv) the Association of Professional Engineers of the Province of Ontario;
- (g) one member shall be appointed by each of the following,—
 - (i) the School of Physical and Health Education,
 - (ii) the School of Social Work,
 - (iii) the School of Nursing,
 - (iv) the School of Hygiene,

- (v) the School of Chinese Studies, and
- (vi) the Department of University Extension;
- (h) each of the following groups shall elect the number of members indicated,—
 - (i) the graduates in arts of the University who at the time of graduation were enrolled in University College, twelve members,
 - (ii) the graduates in arts and science of Victoria University and the graduates in arts of the University who at the time of graduation were enrolled in Victoria College, five members.
 - (iii) the graduates in arts and science of Trinity College and the graduates in arts of the University who at the time of graduation were enrolled in Trinity College, five members,
 - (iv) the graduates in arts of the University who at the time of graduation were enrolled in St. Michael's College, five members,
 - (v) the Bachelors of Arts of the University who at the time of graduation were not enrolled in University College or in a federated university or arts college, one member,
 - (vi) the Masters of Arts and Doctors of Philosophy of the University each of whom obtained his Bachelor's degree in another university, one member,
 - (vii) the graduates in medicine, eight members,
 - (viii) the graduates in applied science and engineering and such persons as hold the diploma established by the School of Practical Science, whether granted by the School of Practical Science or by the University, six members,
 - (ix) the graduates in household science, one member,
 - (x) the graduates in pedagogy, one member,
 - (xi) the graduates in forestry, one member,

- (xii) the graduates in music, one member,
- (xiii) the graduates in dentistry, five members,
- (xiv) the graduates in law, two members,
- (xv) the graduates in agriculture, three members,
- (xvi) the graduates in veterinary science and veterinary medicine, one member,
- (xvii) the graduates in pharmacy, two members,
- (xviii) such persons as hold certificates as principals of collegiate institutes or high schools or assistants therein and are actually engaged in teaching in a collegiate institute or high school, four members,
- (xix) such persons as hold certificates as principals of vocational schools or assistants therein and are actually engaged in teaching in a day vocational school, one member;
- (i) a university hereafter federated with the University shall be entitled to be represented on the Senate in proportion of one member for every one hundred graduates in arts and for any fraction of one hundred over one-half, to one additional member, but in no case shall the number of members exceed five:
- (j) where a new faculty, school, institute or department is established in the University, the Senate may, subject to confirmation by the Board, provide for representation on the Senate of the faculty, school, institute or department and of the graduates of the faculty, school, institute or department. R.S.O. 1937, c. 372, s. 41, amended.
- 43. Members of the teaching or administrative staff of the Members of University, of University College, of the federated univer-be elected. sities, and of the federated and affiliated colleges, shall not be eligible for election by any of the graduate bodies. R.S.O. 1937, c. 372, s. 42, amended.
- 44. No person shall be eligible for election or appointment Eligibility. as a member of the Senate unless his customary place of residence is in the Province of Ontario. R.S.O. 1937, c. 372, s. 43, amended.

Vacancies in Senate. **45**. If an elected or appointed member of the Senate resigns, ceases to have his customary place of residence in the Province of Ontario, becomes mentally ill or incapable of acting, or becomes a member of the teaching or administrative staff of any of the bodies mentioned in section **43** not being the body which he has been appointed to represent, his seat shall *ipso facto* become vacant, and a declaration of the existence of any vacancy entered upon the minutes of the Senate shall be conclusive evidence thereof. R.S.O. 1937, c. 372, s. 45, amended.

Filling vacancies in Senate.

- **46**. If a vacancy occurs from any cause it shall be filled,—
 - (a) in the case of an appointed member, by the body possessing the power of appointment;
 - (b) in the case of a member elected by a faculty council, by the faculty council; and
 - (c) in the case of any other elected member, by the Senate,

and the person appointed or elected to fill the vacancy shall hold office for the remainder of the term of office of the member whose seat has become vacant. R.S.O. 1937, c. 372, s. 46, amended.

Disputes as to election or right to sit.

47. If any question arises touching the election of any elective member of the Senate or the right of any person to be or sit or act as a member of the Senate, the same shall not be raised or determined in or by any action or proceeding in any court, but shall be determined by the Senate, whose decision shall be final. R.S.O. 1937, c. 372, s. 47, amended.

Powers and duties of Senate.

48. In addition to such others as are expressly mentioned in this Act, the powers and duties of the Senate shall be to,—

Regulating proceedings.

(a) provide for the regulation and conduct of its proceedings, including the determination of the quorum necessary for the transaction of business;

Granting degrees.

(b) provide for the granting of and grant degrees, including honorary degrees and certificates of proficiency, except in theology;

Cancelling or suspending degrees.

(c) provide for the cancellation, recall or suspension of and cancel, recall or suspend the degree, whether heretofore or hereafter granted or conferred, of any graduate of the University heretofore or hereafter convicted in Ontario or elsewhere of an offence which, if committed in Canada, would be an indictable offence, or heretofore or hereafter guilty of any infamous or disgraceful conduct or of conduct unbecoming a graduate of the University, and for erasing the name of such graduate from the roll or register of graduates and for requiring the surrender for cancellation of the diploma, certificate or other instrument evidencing the right of such graduate to the degree of which he shall have been deprived, and for providing the mode of inquiring into and determining as to the guilt of such graduate, and the procedure generally in respect of any such matter, and for the purpose of making such inquiry, the Senate and the committees thereof shall have all the powers which by The Public Inquiries Act Rev. Stat., may be conferred upon commissioners appointed under the provisions of that Act;

- (d) provide for the restoring, and restore, in such cases Restoring as it deems proper, degrees of graduates whose degrees have been cancelled, recalled or suspended under clause c;
- (e) provide for the establishment of fellowships, scholar-Fellowships, exhibitions. ships, bursaries, exhibitions, medals, prizes and other etc. awards:
- (f) provide for the affiliation with the University of any Amiliation of college established in Canada for the promotion of colleges. art or science, or for instruction in law, medicine, engineering, agriculture or any other useful branch of learning, and for the dissolution of such affiliation, or of any existing affiliation, or the modification or alteration of the terms thereof:
- (g) provide for the establishment of any faculty, school, Establishment of institute, department, chair or course of instruction faculties. departments, in the University;
- (h) provide for the establishment of any department, Department, ments, etc... chair or course of instruction in University College in Univerin any subject except theology;
- (i) appoint scrutineers for the counting of the votes for Scrutineers elective members of the Senate:
- (j) consider and determine on the report of the respective Considering reports of faculty and school councils as to the courses of study faculty councils. in all the faculties and schools:
- (k) consider and determine as to all courses of study to Courses of study. which clause j does not apply;

Examiners and examinations. (l) consider and determine on the report of the respective faculty and school councils as to the appointment of examiners, and the conduct and results of the examinations in all the faculties and schools;

University examiners and examinations.

(m) provide for the appointment of the examiners for and for the conduct of all University examinations other than those in the faculties and schools of the University and for determining the results of such examinations;

Appeals from faculty councils.

(n) hear and determine appeals from decisions of the faculty and school councils upon applications and memorials by students and others;

Reports from faculty councils. (o) consider all such matters as shall be reported to it by any council and communicate its opinion or action thereon to the council;

Representation of new faculties on Senate. (p) provide for the representation on the Senate of any faculty or school hereafter established in the University, and of the graduates in such faculty or school, if in the opinion of the Senate, provision should be made for separate representation of such graduates;

Calendars.

(q) provide for the preparation and publication of the calendars, which shall include those of University College and the federated universities, or such of them as desire that their calendars shall be inserted therein;

Library and Librarian. (r) make rules and regulations for the management and conduct of the library, and prescribe the duties of the Librarian;

Changing composition of Senate.

(s) make such changes in the composition of the Senate as may be deemed expedient; and

Recommendations to Board.

(t) make such recommendations to the Board as may be deemed proper for promoting the interests of the University and of University College, or for carrying out the objects and provisions of this Act. R.S.O. 1937, c. 372, s. 48, amended.

Senate not to alter representation of federated universities.

49.—(1) Nothing in section 48 shall authorize the Senate to make any change in its composition which affects the rights of representation thereon of a federated university or the faculty of arts thereof, or of a federated college, or of the graduates of a federated university or of St. Michael's College, unless the same is assented to by the federated university or college affected by the change. R.S.O. 1937, c. 372, s. 49 (1), amended.

- (2) Nothing in this Act shall prevent the Senate from taking Senate may the initiative in determining as to any course of study or any courses. change therein, but before passing any statute providing therefor, the Senate shall refer to the appropriate faculty or school council the proposition under consideration for inquiry and report thereon. R.S.O. 1937, c. 372, s. 49 (2), amended.
- **50.** A certified copy of every statute or other enactment of Certain statutes of the Senate providing for any of the matters or things men-Senate to tioned in clauses c, e, f, g, h, j, k, p, r, and s of section 48 by Board. shall within ten days after the passing thereof, be transmitted to the Board, and no such statute or enactment shall have force or effect until it has been approved by the Board. R.S.O. 1937, c. 372, s. 50, amended.

CONVOCATION.

51. Convocation shall consist of the members of the Convocation. Board, the members of the Senate, the members of the teaching posed. staffs of the University, University College, and the federated universities and colleges, of the rank of assistant professor or of rank senior thereto, and all graduates of the University and of the federated universities and federated colleges. R.S.O. 1937, c. 372, s. 51, amended.

52. Convocation shall have power to,—

Powers of Convocation.

- (a) make regulations for governing its proceedings and Regulations the mode of conducting the same, and keeping re-ceedings. cords thereof:
- (b) appoint a clerk of Convocation, and prescribe his Appointment duties; duties of clerk.
- (c) in case of the absence of the Chancellor, elect a pre-Presiding siding officer for any meeting thereof;
- (d) consider all questions affecting the interests and well-Representations to being of the University, and make representations Board and thereon to the Board or to the Senate;
- (e) require a fee to be paid by the members as a condi-Fee of tion of their being placed on the register of members, members, and provide that no member whose name does not appear in such register shall be entitled to take any part in the proceedings of Convocation;
- (f) appoint an executive committee and confer upon it Executive such powers as may seem meet. R.S.O. 1937, c. 372, committee. s. 52.
- **53.** Convocation shall meet when convened by the Chan-Meetings of cellor, and also at such times and places as may be fixed by tion. Convocation by regulation, and in the absence of such regula-

tion, as may be fixed by Convocation or by the executive committee thereof, and the Board shall provide a suitable place for its meetings. R.S.O. 1937, c. 372, s. 53.

Notice of meetings.

54. Notice of all meetings shall be given in such manner as may be prescribed by Convocation by regulation, and in the absence of such regulation as may be directed by Convocation or by the executive committee. R.S.O. 1937, c. 372, s. 54.

Transmission of minutes.

55. A true copy of the minutes of the proceedings of every meeting of Convocation shall be transmitted without unnecessary delay to the Board and to the Senate. R.S.O. 1937, c. 372, s. 55.

Majority vote to decide.

56. All questions shall be decided by the vote of the majority of the members present. R.S.O. 1937, c. 372, s. 56.

Chairman may vote as member.

57. The chairman or presiding officer shall be entitled to vote as a member of Convocation, and any question on which there is an equality of votes shall be deemed to be negatived. R.S.O. 1937, c. 372, s. 57.

Quorum.

58. No question shall be decided at any meeting unless at least twenty-five members are present. R.S.O. 1937, c. 372, s. 58.

Special meetings—how called.

59.—(1) If at least twenty-five members by writing under their hands, setting forth the objects thereof, require the chairman to convene a special meeting of Convocation, the chairman shall call the same without unnecessary delay.

Special meetings to be confined to object.

(2) No matter shall be considered at any such meeting except that for the consideration of which the meeting shall have been called. R.S.O. 1937, c. 372, s. 59.

Chancellor to be chairman of Convoca**60**. The Chancellor shall be the chairman of Convocation. R.S.O. 1937, c. 372, s. 61.

Degrees to be conferred by Chancellor or President.

61. All degrees shall be conferred by the Chancellor, or, in case of his absence, or of there being a vacancy in the office, by the President, or, in case of the absence of both of them, or of both offices being vacant, by a member of a faculty of the University, appointed for the purpose by the Senate. R.S.O. 1937, c. 372, s. 62.

CHANCELLOR.

The Chancellor. **62.**—(1) There shall be a Chancellor of the University who shall be appointed by the Board and by the Senate on the nomination of the Committee of Nomination. R.S.O. 1937, c. 372, s. 60, amended.

- (2) No person shall occupy the office of Chancellor unless who he is a British subject and his customary place of residence is in the Province of Ontario. R.S.O. 1937, c. 372, s. 43, amended.
- (3) No person shall occupy the office of Chancellor who is Who inthe President of the University, the Principal of University College, the head of a federated university, the head of a federated or affiliated college, or a member of the teaching or administrative staff of the University, of University College, of any of the federated universities or of any of the federated or affiliated colleges, or who is a member of the governing body of any federated university or of any federated or affiliated college. New.
- (4) Subsection 3 shall not render any person ineligible Nomination for nomination to or by the Committee of Nomination for the office of Chancellor; but no person shall be appointed to the office of Chancellor while he occupies the office of President of the University, Principal of University College, or is the head of a federated university, the head of a federated or an affiliated college or is a member of any such teaching or administrative staff or governing body. New.
- **63.**—(1) Subject to section 64, the term of office of the Term of Chancellor shall be three years commencing with the 1st day of July of the year in which he is appointed, and he shall hold office until his successor is appointed, and shall be eligible for re-appointment for one additional term of three years only. R.S.O. 1937, c. 372, s. 63, amended.
- (2) The first appointment of a Chancellor under the provi-first appointsions of this section shall be made for a term commencing ment. on the 1st day of July, 1947. New.
- 64. If a vacancy in the office of Chancellor occurs from Procedure any cause the vacancy shall be filled by the appointment by vacancy. the Board and by the Senate of a successor nominated by the Committee of Nomination and the successor so appointed shall hold office for a period not exceeding three years commencing on a date to be fixed by the Committee of Nomination and ending on the 30th day of June in such year as the Committee of Nomination may designate, and he shall hold office until his successor is appointed and shall be eligible for re-appointment for one additional term of three years only. R.S.O. 1937, c. 372, s. 65, amended.
- **65.** If the Chancellor ceases to be eligible for such office, where or becomes mentally ill or otherwise incapable of acting, he Chancellor shall *ipso facto* vacate his office and a declaration of the ineligible. existence of such vacancy by the Committee of Nomination to the Board and to the Senate and so entered upon the minutes of the Board and of the Senate shall be conclusive evidence thereof. R.S.O. 1937, c. 372, s. 64, *amended*.

Committee of Nomina-

66.—(1) The Committee of Nomination shall be composed of,---

- (a) the Chairman of the Board;
- (b) the President:
- (c) six members of the Board to be appointed from time to time by the Board to hold office during the pleasure of the Board:
- (d) six members of the Senate to be appointed from time to time by the Senate to hold office during the pleasure of the Senate; and
- (e) six members to be appointed from time to time by the Alumni Federation of the University of Toronto from among the graduates of the University to hold office during the pleasure of the said Alumni Federation.

Chairman.

(2) The Chairman of the Board shall be Chairman of the Committee of Nomination and in his absence the Committee may appoint an acting chairman from among the members of the Committee present at the meeting.

Secretary.

(3) The Registrar shall be the Secretary of the Committee of Nomination.

Meetings.

(4) The Committee of Nomination shall meet at such times and places and on such notice as may be fixed by it by regulations and also when convened by the Chairman of the Board.

Nomination to be sub-mitted.

(5) The Committee of Nomination shall submit its nomination for the office of Chancellor to the Senate and to the Board. New.

Nominations graduates.

67.—(1) The Committee of Nomination shall make its nomination for the office of Chancellor from nominations made to the Committee by graduates of the University entitled to vote at Senate elections.

Form and

- (2) Every nomination made to the Committee of Nominadelivery of nominations tion shall be in writing signed by at least ten graduates entitled to vote at Senate elections and shall be delivered at the office of the Registrar, or if sent by mail, received there not later than.-
 - (a) except in the cases mentioned in clauses b and cthe first Wednesday in April of the year in which the term of the office of Chancellor expires;

- (b) in the case of the filling of a vacancy under section 64, a date to be fixed by the Committee of Nomination and published in such manner as it may determine; and
- (c) in the case of the first appointment under the provisions of this section, Wednesday, the 30th day of April, 1947. New.

COUNCILS.

- 68.—(1) There shall be a council to be known as "The Council of Faculty of Arts", which shall consist of,— of Arts.
 - (a) the President;
 - (b) the Principal of University College;
 - (c) the president or other head of each federated university or federated arts college;
 - (d) the Dean of the Faculty of Arts;
 - (e) the Librarian;
 - (f) the teaching staff in the Faculty of Arts of the University;
 - (g) the teaching staff of University College;
 - (h) the teaching staff in the Faculty of Arts of Victoria College;
 - (i) the teaching staff in the Faculty of Arts of Trinity College;
 - (j) the teaching staff in the Faculty of Arts of St. Michael's College;
 - (k) the teaching staff in the Faculty of Arts of every other university or arts college hereafter federated with the University;
 - (1) one professor in the department of religious knowledge appointed by the theological faculty in each federated university now or hereafter federated; and
 - (m) one professor appointed by each of the federated colleges. R.S.O. 1937, c. 372, s. 66 (1), amended.
- (2) There shall be a council for each of the other faculties Other and schools of the University now or hereafter established faculty to consist of the dean or director and the teaching staff thereof

and the Librarian, and a council for University College to be known as the Council of University College and to consist of the Principal and the teaching staff thereof and the Librarian. R.S.O. 1937, c. 372, ss. 68, 69, 75, amended.

Interpre-

- (3) For the purposes of this section,—
 - (a) "teaching staff" shall not include lecturers and instructors whose appointments are temporary; and
 - (b) lecturers and instructors who are members of a council shall act as assessors only and shall not be entitled to vote. R.S.O. 1937, c. 372, ss. 66 (2, 3), 70, amended.

Chairman.

- 69. The chairman of a council shall be,—
 - (a) in the case of the Council of the Faculty of Arts, the President:
 - (b) in the case of the Council of University College, the Principal of University College; and
 - (c) in the case of each of the other councils, the dean of the faculty or the director of the school. R.S.O. 1937, c. 372, ss. 72, 74, 80 (2), amended.

Powers and duties of faculty councils except University College.

- **70.**—(1) The powers and duties of the Council of the Faculty of Arts and of the council of each of the other faculties and schools shall be to,—
 - (a) make rules and regulations for governing its proceedings, including the determination of the quorum necessary for the transaction of business;
 - (b) subject to the provisions of this Act and to the approval of the Board, make rules and regulations for the government, direction and management of the faculty or school, and the affairs and business thereof;
 - (c) subject to the approval of the Senate, fix and determine the courses of study in the faculty or school;
 - (d) subject to approval and confirmation by the Senate, appoint the examiners for, and conduct the examinations of the courses in the faculty or school and determine the results of such examinations;

- (e) subject to an appeal to the Senate, deal with and decide upon all applications and memorials by students and others in connection with the faculty or school; and
- (f) consider and report to the Senate upon such matters affecting the faculty or school as to the council may seem meet. R.S.O. 1937, c. 372, ss. 67 (1), 71, amended.
- (2) The powers and duties of the Council of University University College. College shall be to,—
 - (a) make rules and regulations for governing its proceedings, including the determination of the quorum necessary for the transaction of business;
 - (b) subject to the provisions of this Act and to the approval of the Board, make rules and regulations for the government, direction and management of University College, and the affairs and business thereof:
 - (c) appoint the examiners for and conduct the examinations of University College; and
 - (d) consider and report to the Board and to the Senate or to either of them upon such matters affecting University College as may seem meet. R.S.O. 1937, c. 372, s. 73, amended.

CAPUT.

- **71.** Unless and until otherwise provided by the Board, Caput, how comthere shall be a Committee to be called the Caput, which shall posed. be composed of the President, who shall be the chairman, the Principal of University College, the heads of the federated universities, the heads of the federated colleges, the deans of the faculties of the University and the Warden of Hart House, and the presence of at least five of the members shall be necessary to constitute a quorum for the transaction of Quorum. business. R.S.O. 1937, c. 372, s. 76, amended.
 - **72**. The powers and duties of the Caput shall be to,— Powers and duties.
 - (a) fix and determine the time tables for the lectures and Time tables other instruction in the University which affect more etc.
 than one faculty or school or which affect University
 College, or a federated university or college;
 - (b) authorize such lecturing and teaching in the Univer-Authorizing sity by others than the duly appointed members of and teaching staff thereof, and prevent all lecturing and teaching not so authorized;

Disciplinary powers.

(c) exercise the powers as to discipline conferred upon it by sections 79 to 82;

To determine control of university associations.

(d) determine by general regulation or otherwise to what university, college, faculty, school, or other body, the control of any university association belongs;

Matters assigned to Caput by Board or Senate. (e) generally, deal with all such matters as may be assigned to it by the Board or by the Senate, if in the latter case such matters fall within the powers conferred upon the Senate by this Act. R.S.O. 1937, c. 372, ss. 77, 85, amended.

Rules or regulations to be approved by Board.

73. A copy of every general rule or regulation made by the Caput shall be transmitted to the Board, and no such general rule or regulation shall have any force or effect until it has been approved by the Board. R.S.O. 1937, c. 372, s. 78.

Caput may advise President.

74. The Caput may advise the President in all matters affecting the academic interests of the University, but the powers of the President shall not be subject to its control. R.S.O. 1937, c. 372, s. 79.

PRESIDENT, PRINCIPAL, REGISTRARS.

President of University.

75.—(1) There shall be a President of the University who shall be the chief executive officer thereof, and shall have general supervision over and direction of the academic work of the University, and the teaching staff thereof, and the officers and servants employed in or in connection with such work, including the Registrar, and shall also have such other powers and perform such other duties as from time to time may be conferred upon or assigned to him by the Board.

Member of councils.

(2) He shall be a member of all councils except the Council of University College and he shall be chairman of the Council of the Faculty of Arts.

Chairman of Senate.

(3) He shall be chairman of the Senate.

To confer degrees in absence of Chancellor. (4) In the absence of the Chancellor, he shall confer all degrees.

To call meetings of Council of Faculty of Arts.

(5) He shall call meetings of the Council of the Faculty of Arts in accordance with the regulations of the Council, and also when requested to do so by at least five members thereof.

Suspending members of staff. (6) He shall have power to suspend any member of the teaching staff of the University and University College and any officer and servant mentioned in subsection 1 and when he exercises that power he shall forthwith report his action to the Board, with a statement of his reasons therefor.

- (7) He shall make recommendations to the Board as to all Recommendations to appointments to and all promotions in, and removals from the Board as to teaching staff of the University, and University College, in-ments, etc. cluding the Principal, and of the officers and servants mentioned in subsection 1.
- (8) He shall have the right to summon meetings of any Summoning council whenever he may deem it necessary to do so, and to councils. take the chair at any meeting thereof at which he may be present.
- (9) He may also, at his discretion, convene joint meetings Convening joint meetings of all the councils or any two or more of them.

 Convening convening sof councils.
- (10) He shall report annually to the Board and to the Annual Senate upon the progress and efficiency of the academic work Board. of the University and University College, and as to their progress and requirements, and make such recommendations thereon as he may deem necessary, and he shall also report upon any matter which may be referred to him by the Board or by the Senate.
- (11) The enumeration of the express powers mentioned in Mention of subsections 4 to 10 shall not limit the general powers con-powers not to limit genferred by subsection 1. R.S.O. 1937, c. 372, s. 80, amended. eral powers.
- **76.**—(1) In case of his absence or illness, the President President may appoint a member of any faculty or school to act in his a substitute stead, and if there is a vacancy in the office of President, absence or or if no appointment is made, the Board may appoint a member of any faculty or school to act *pro tempore*, and, failing an appointment, and until it is made, the Dean of the Faculty of Arts of the University shall act as President *pro tempore*.
- (2) The person acting pursuant to any such appointment Powers of shall have and may exercise all the powers and shall perform pro tem. all the duties of President, but not those as to appointments, promotions and removals unless requested by the Board to do so. R.S.O. 1937, c. 372, s. 81, amended.
- **77.**—(1) There shall be a Principal of University College, Principal of who shall be the chief executive officer thereof, and shall have College general supervision over and direction of the academic work of University College and the teaching staff thereof, and the officers and servants employed in or in connection with such work, including the Registrar of University College, and shall also have such other powers and perform such other duties as from time to time may be assigned to him by the Board.
- (2) He shall be a member of the Council of the Faculty of To be a member of Faculty of Arts.

To call meetings of Council of University College. (3) He shall call meetings of the Council of University College in accordance with the regulations of the Council, and when requested to do so by at least five members thereof, and also whenever he may see fit.

May suspend members of staff of College.

(4) He shall have power to suspend any member of the teaching staff of University College, and any officer and servant mentioned in subsection 1, and when he exercises that power, he shall forthwith report his action to the President with a statement of his reasons therefor.

Annual report to Board and Senate.

(5) He shall report annually to the Board and to the Senate upon the progress and efficiency of the academic work of University College, and as to its progress and requirements, and make such recommendations thereon as he may deem necessary and he shall also report upon any matter which may be referred to him by the Board or by the Senate, and his reports shall, in all cases, be made through the President.

Absence or vacancy in office of Principal. (6) In case of the absence or illness of the Principal, he may appoint a member of the teaching staff of University College to act for him and failing an appointment and until it is made by him, or if there is a vacancy in the office of Principal, the senior member of the teaching staff of University College shall act as principal *pro tempore*. R.S.O. 1937, c. 372, s. 82.

Registrars for University and University College. **78.** There shall be a Registrar for the University and a Registrar for University College, and the offices shall not be held by the same person. R.S.O. 1937, c. 372, s. 83.

DISCIPLINE.

Disciplinary jurisdiction of governing bodies.

79.—(1) The Council of University College, and the governing bodies of the federated universities and colleges, shall, respectively, have disciplinary jurisdiction over and entire responsibility for the conduct of their students in respect of all matters arising or occurring in or upon their respective college buildings and grounds, including residences. R.S.O. 1937, c. 372, s. 84 (1).

Disciplinary jurisdiction of faculty councils.

(2) The councils of such of the faculties and schools as shall have assigned for their separate use any buildings and grounds, including residences, shall have disciplinary jurisdiction over and entire responsibility for the conduct of all students in their respective faculties and schools in respect of all matters arising or occurring in or upon such buildings and grounds, including residences.

Disciplinary jurisdiction of Caput. (3) In all other cases, as respects all students of the University, University College and the federated universities and colleges, disciplinary jurisdiction shall be vested in the Caput,

but the Caput may delegate its authority in any particular case or by general regulation to the council or other governing body of the university, college, faculty or school to which the student belongs. R.S.O. 1937, c. 372, s. 84 (2, 3), amended.

- **80.**—(1) Disciplinary jurisdiction under section 79 shall Punishinclude power to suspend, to impose fines and to recommend to the Senate the withholding of degrees, diplomas, certificates or academic standing.
- (2) In cases involving conduct which the Caput, the Expulsion. governing body of a federated university or college, or a council considers may warrant the punishment of expulsion, the Caput shall have power to award either in addition to or in substitution for any punishment which may be awarded under section 79 or this section, the punishment of expulsion, subject to confirmation by the Board, whose decision shall be final and not open to review. R.S.O. 1937, c. 372, s. 87, amended.
- **81.** If there is any question as to the proper body to Deciding questions exercise jurisdiction in any matter of discipline which may of Jurisarise, it shall be determined by the Caput, whose decision shall be final and not open to review. R.S.O. 1937, c. 372, s. 86, amended.
- **82.** A student shall have the right to appeal to the Board Right of from any punishment awarded against him except in a case of expulsion which has been confirmed by the Board, but shall have no other right of appeal and the decision of the body exercising disciplinary jurisdiction as hereinbefore provided shall be final and binding and not open to review except by the Board. *New*.
- **83.** As respects the conduct and discipline as students of Power to abrogate the University of all students registered in the University to or change whatsoever federated university, federated college, college, as to disfaculty or school they belong and as respects all students enrolled in University College the provisions of sections 79 to 82 may be abrogated or changed by the Board. R.S.O. 1937, c. 372, s. 88, amended.

SENATE ELECTIONS.

84. Except as otherwise provided in this Act the elective Quadrenmembers of the Senate shall be elected and the appointed tions of members thereof shall be appointed quadrennially and they shall hold office until their respective successors are elected or appointed. R.S.O. 1937, c. 372, ss. 44, 89, amended.

"Election Register.

85.—(1) The Registrar shall, after the 15th day of June, and before the 15th day of August in every year in which an election is to take place, prepare an alphabetical list to be called "The Election Register," of the names and known addresses of all graduates who are entitled to vote at such election.

Use of card catalogue ates.

(2) Where a card catalogue containing the names and in place of list of gradu-known addresses of such graduates is kept, it shall not be necessary to prepare the alphabetical list mentioned in subsection 1. R.S.O. 1937, c. 372, s. 90, amended.

Register to be posted up in office of Registrar.

86. The election register shall be posted up or the card catalogue shall be kept in a conspicuous place in the office of the Registrar not later than the 15th day of August in every such year, and shall be open to inspection by any graduate entitled to vote, at all reasonable hours. R.S.O. 1937, c. 372, s. 91.

Persons not to vote unless names on register.

87. No person whose name does not appear in the election register shall be entitled to vote at the election. R.S.O. 1937, c. 372, s. 92.

When election register is not duly prepared.

88. If from any cause the election register is not prepared at the time and in the manner provided by this Act, the Board shall make provision for the preparation of it, and all the provisions of this Act as to the election register, except those relating to time, shall apply to the election register so prepared. R.S.O. 1937, c. 372, s. 93.

List of graduates vote to be furnished to Registrar.

89. For the purposes of all elections at which graduates of a federated university are entitled to vote, the registrar of such university shall on or before the 15th day of June in each year in which an election at which such graduates are entitled to vote is to be held, furnish to the Registrar a list of the names of all graduates of such federated university who are entitled to vote, with their post office addresses as far as known. R.S.O. 1937, c. 372, s. 94, amended.

List of principals and assistants in high schools. etc.

90. The Minister of Education shall, upon the application of the Registrar, furnish him, on or before the 1st day of August in each year in which an election is to be held, with a list of all principals of and assistants in collegiate institutes and high schools who are actually engaged in teaching in a collegiate institute or high school, and with a list of all principals of and assistants in vocational schools who are actually engaged in teaching in a day vocational school, with their post office addresses as far as known. R.S.O. 1937, c. 372, s. 95, amended.

Separate lists of different classes of persons entitled to vote.

91.—(1) The Registrar, in preparing the election register, shall make separate lists to conform to the various groups enumerated under section 42.

- (2) Such lists shall be the voters' lists for the election. Lists to be voters' lists. R.S.O. 1937, c. 372, s. 96.
- **92.** If any person whose name appears or ought to appear Complaints in any election register complains in writing to the Registrar and omisnot later than ten clear days before the second Wednesday sions in of the month of September in the year in which the election is to be held, that his name or that of any person which ought to appear therein has been omitted from such register or of any error in such name as it appears therein, or that the name of any person whose name ought not to be entered in the register appears therein, the Registrar shall forthwith examine into the complaint, and after such notice as he may deem necessary to any person whose name is sought to be stricken from such register, rectify the error, if any, therein. R.S.O. 1937, c. 372, s. 97, amended.
- 93. The decision of the Registrar shall be subject to appeal Appeal from decision of to the President. R.S.O. 1937, c. 372, s. 98, amended.

 Registrar.
- **94.** No person shall be elected a member of the Senate, Nominations unless he has been nominated as hereinafter mentioned, and every vote cast for any person not so nominated shall be void. R.S.O. 1937, c. 372, s. 99, amended.
- **95**. The nominations shall be in writing by a nomination Nomination paper, which shall be signed by at least ten of the persons writing. entitled to vote at the election. R.S.O. 1937, c. 372, s. 100.
- **96.** The nomination paper shall be delivered at the office Delivery of of the Registrar, or, if sent by mail, shall be received there paper to not later than the first Wednesday in September of the year Registrar. in which the election is to take place, and if not so delivered or received shall be invalid, and shall not be acted upon. R.S.O. 1937, c. 372, s. 101.
- 97. Any person nominated as a member of the Senate may re-Refusal to fuse to become a candidate and he shall be deemed not to have candidate. been nominated, and his name shall not be included in the list of candidates if he notifies the Registrar in writing of his refusal within four days, in which shall not be included a Sunday or other holiday, after the day upon which the time for nominations expired. R.S.O. 1937, c. 372, s. 102, amended.
- **98.** If only such number of persons as are required to be Election of elected as members of the Senate are nominated within the Senate by time fixed for that purpose the persons so nominated shall be elected to and be entitled to hold the offices for which they were respectively nominated. R.S.O. 1937, c. 372, s. 104.
- **99.** The Registrar shall report to the Senate at its next Report of meeting the results of the election. R.S.O. 1937, c. 372, s. 105. election to Senate.

Voting papers to be sent to graduates.

100. If a poll is necessary, the Registrar shall on or before the third Wednesday in such month of September send by mail to every graduate who, according to the election register, is entitled to vote at the election, and whose place of residence is shown in such register, or is known to the Registrar, a voting paper (Form 1), together with a list of the persons whose term of office is expiring, and of all persons who have been nominated. R.S.O. 1937, c. 372, s. 106, amended.

Votes, how given.

101. The votes shall be given by closed voting papers, which shall be delivered, or, if sent by mail, shall be received at the office of the Registrar not earlier than the third Wednesday of such month of September, and not later than the second Wednesday of October following, both days inclusive, and every voting paper which has not been furnished by the Registrar, or which is not so delivered or received, shall be invalid and shall not be counted. R.S.O. 1937, c. 372, s. 107, amended.

Scrutineers.

102. Two persons appointed by the Senate for that purpose, shall be the scrutineers; but, if the Senate does not at least two weeks previous to the time fixed for the counting of the votes appoint the scrutineers, the President shall make the appointment. R.S.O. 1937, c. 372, s. 108.

Opening and counting

103.—(1) The voting papers, upon the next day after the time for receiving them has expired, shall be opened by the Registrar, and such persons as may be appointed by the President to assist in the opening thereof, in the presence of the President and of the scrutineers, who shall examine and count the votes and keep a record thereof in a book to be provided for that purpose, and the opening of the voting papers and the counting and recording of the votes shall be continued from day to day until completed.

When President absent.

(2) If the President is unable to be present, he shall appoint some person to act in his stead. R.S.O. 1937, c. 372, s. 109.

Who may be present at count.

104. Any person entitled to vote at the election may be present at the opening of the voting papers and the counting and recording of the votes. R.S.O. 1937, c. 372, s. 110.

When voter gives more votes than entitled to.

105. If more names than the number to be elected appear on a voting paper the votes shall be counted as votes for the persons whose names appear thereon in consecutive order beginning with the first until the required number is reached, and all other votes thereon shall be invalid and shall not be counted. R.S.O. 1937, c. 372, s. 111, amended.

Declaration of result.

106. Upon the completion of the scrutiny and counting of the votes, the President or other person acting in his stead and the scrutineers shall declare the result of the election, setting

forth the number of votes cast for every person who has been nominated, and shall, without delay, report the same in writing under their hands to the Senate. R.S.O. 1937, c. 372, s. 112.

- **107**. In case of an equality of the votes given for two or senate more candidates which leaves the election undecided, the casting Senate shall, at its next meeting, give the casting vote or votes vote. necessary to decide it. R.S.O. 1937, c. 372, s. 113, amended.
- 108.—(1) If from any cause any election provided for by Failure of this Act is not held as hereinbefore provided, or if the full representanumber of members which any body is entitled to elect is not any body elected, instead of an election being held, the Senate, at a to elect special meeting called for that purpose, may appoint the number of members which such body has failed to elect.
- (2) If the Senate should by resolution decline to appoint Proceedings by Board the members which any body has failed to elect, the Board on failure shall make provision for holding the election or an election of Senate of the number of members which such body has failed to elect, as the case may be, and fix the dates for the nominations and the other proceedings for taking, counting and recording the votes thereat and declaring the result thereof, and such proceedings shall, as far as may be practicable, be conformable with those provided by this Act. R.S.O. 1937, c. 372, s. 114.
- **109**. Notwithstanding any vacancy in the membership of Quorum of the Senate, however caused, as long as there are at least twenty members, it shall be competent for the Senate to exercise all or any of its powers. R.S.O. 1937, c. 372, s. 115.

SUBJECTS OF INSTRUCTION, ATTENDANCE, FEES, ENROLMENT.

- **110**. Instruction in the Faculty of Arts shall be apportinstruction tioned between the University and University College as in Arts. follows,—
 - (a) in the University, instruction shall be given in University anthropology, art and archaeology, astronomy, courses. botany, chemistry, geography, geological sciences, history, Italian, law, mathematics (including actuarial science and applied mathematics), military studies, music, philosophy (excluding ethics), physics, political economy (including economics, political science, sociology and commerce), psychology, Spanish and zoology, and in such other subjects as, from time to time, may be determined by statute of the Senate in that behalf;
 - (b) in University College, instruction shall be given in University Greek, Latin, ancient history, English, French, Ger-College courses.

man, Oriental languages and ethics, and in such other subjects as may, from time to time, be determined by statute of the Senate in that behalf, but not in theology. R.S.O. 1937, c. 372, s. 116, amended.

Consent of federated universities required to transfer of subjects.

111. The subjects of instruction assigned by section 110 to the University and University College, respectively, shall not be transferred from the one to the other except by the direction of the Board, and no such direction shall be made unless with the consent of the federated universities. R.S.O. 1937, c. 372, s. 117.

University curriculum in arts to include certain theological subjects.

112.—(1) The curriculum in arts of the University shall include the subjects of Biblical Greek, Biblical literature, Christian ethics, apologetics, the evidences of natural and revealed religion and church history, but any provision for examination and instruction in them shall be left to the voluntary action of the federated universities and colleges, and provision shall be made by a system of options to prevent such subjects being made compulsory upon any candidate for a degree.

Distribution of options over years of course.

(2) The options shall be evenly distributed over each year of the general or pass course, and as far as practicable over each of the honour courses. R.S.O. 1937, c. 372, s. 118.

Attendance at lectures in federated universities.

113. The Board, with the consent of the federated universities, but not otherwise, may provide that attendance by a student enrolled in University College upon instruction in the subjects assigned to University College, or any of them, in any of the federated universities, shall be equivalent to attendance in University College, and that such attendance in University College by a student enrolled in a federated university shall be equivalent to attendance in such federated university, and may prescribe the terms and conditions upon which any such attendance upon instruction may take place. R.S.O. 1937, c. 372, s. 119.

Interchange of lectures with federated universities. 114. Save as otherwise provided by the Board, a professor, lecturer, or teacher of University College may give instruction at or to the students enrolled in any federated university in any of the subjects of instruction from time to time assigned to University College, and a professor, lecturer or teacher of any federated university may give instruction at or to the students enrolled in University College in any of such subjects, but the consent of the Principal of University College and of the federated university concerned and the approval of the Senate shall be first obtained. R.S.O. 1937, c. 372, s. 120.

Instruction in arts to be free except as to certain fees. 115. Instruction in arts in the University, except post-graduate instruction, shall be free to all regular matriculated

students thereof who are enrolled in University College or in a federated university or in St. Michael's College, and who enter their names with the Registrar, but this provision shall not include exemption from library fees, laboratory supply fees, physical training fees, health service fees, and the fees for examinations, degrees and certificates. R.S.O. 1937, c. 372, s. 121, amended.

- 116. The table of fees, which on the 15th day of June, Minimum 1906, was in force for University College shall be the minifees. mum table of fees for University College and for the arts faculties of the federated universities, and no reduction shall be made in such minimum unless with the consent of the Board and of the federated universities. R.S.O. 1937, c. 372, s. 122.
- 117. Attendance upon instruction in University College Attendance or in St. Michael's College or in a federated university by a sa qualification to gualification to present cation to himself for any arts examination in and to proceed to any exhibitions. degree in arts of the University, and to compete for any fellowship, scholarship, bursary, exhibition, medal, prize or other award or certificate of proficiency in arts awarded or granted by the University in the same way and to the same extent as if he had attended upon such instruction in the University. R.S.O. 1937, c. 372, s. 123, amended.
- 118. If and as far as may be sanctioned by the Senate and Federated approved by the Board, section 117 shall apply to attendance by a student of a federated or affiliated college upon instruction therein. R.S.O. 1937, c. 372, s. 124.
- 119.—(1) All students proceeding to a degree in arts in University the University, unless in cases for which special provision is arts, enrolmade to the contrary by statute of the Senate, shall be enrolled in University College or in St. Michael's College or in a federated university.
- (2) Subject to the statutes of the Senate, all students pro-Registration ceeding to a degree in any faculty or school of the University of students. other than that of arts unless in cases for which special provision is made to the contrary by statute of the Senate, shall be registered in the University and receive their instruction therein, except in the subjects in which by or under the authority of clause b of section 110 instruction is or may be provided for in University College, as to which it shall be sufficient if being a student enrolled in University College or in St. Michael's College or in a federated university he has received instruction therein.
- (3) All occasional and graduate students shall also be regis-Occasional tered in the University. R.S.O. 1937, c. 372, s. 125, amended. graduate students.

Admission of candidates not students of the University. 120. Persons who have not received their instruction in the University, or in University College, or in a federated university or college, or in an affiliated college, may be admitted as candidates for examination for standing or for any degree, honour, certificate of proficiency, fellowship, scholarship, bursary, exhibition, medal, prize or other award authorized to be granted or conferred by the University on such conditions as the Senate may, from time to time, determine. R.S.O. 1937, c. 372, s. 126, amended.

Qualifications of admission to University examinations.

121.—(1) No student enrolled in University College or in a federated university or college or in an affiliated college shall be permitted to present himself for any University examination subsequent to that for matriculation without producing a certificate that he has complied with the requirements of such university or college affecting his admission to such examination.

Students enrolled in affiliated colleges. (2) A student enrolled in an affiliated college may, subject to subsection 1 and to any statute of the Senate, present himself for any University examination subsequent to that for matriculation leading to a degree in that branch of learning in which instruction is given in such college, but such student shall not be entitled, unless by special permission of the Senate to present himself for any examination leading to a degree in arts or in any other faculty of the University. R.S.O. 1937, c. 372, s. 127.

Diplomas, certificates, etc., to indicate university or college.

122. Every graduate's diploma and student's certificate of standing, in addition to being signed by the proper authority of the University, shall indicate the federated university or college or affiliated college in which such student was enrolled at the time of his graduation or examination, and shall be signed by such professor, teacher or officer of the federated university or college or affiliated college as the governing body thereof may determine. R.S.O. 1937, c. 372, s. 128.

ANNUAL GRANTS.

Annual grant to University of portion of revenue from succession duties.

123.—(1) For the purpose of making provision for the maintenance and support of the University and University College, there shall be paid to the Board out of the Consolidated Revenue Fund yearly and every year a sum equal to fifty per centum of the average yearly gross receipts of the Province from succession duties, but such sum shall not exceed \$500,000 in any year.

How payable.

(2) Such annual sums shall be paid in equal half-yearly instalments on the 1st day of July and the 1st day of January in each year, and the average yearly gross receipts from succession duties shall be determined by and be based upon the

gross receipts from such duties of the three years ended on the 31st day of December next preceding the day on which the first instalment of the year is to be paid.

(3) If in any year the amount payable to the Board under When amount of the provisions of subsections 1 and 2 exceeds the amount of grant is in the estimated expenditure for the maintenance and support annual exof the University and University College for the academic year in respect of which such amount is payable, the Lieutenant-Governor in Council may direct that the excess shall be added to the permanent endowment of the University and University College or set apart by the Board as a contingent fund to provide for the event of the amount payable to the Board being in any future year or years insufficient to defray the cost of such maintenance and support, or that the same may be applied in expenditures on capital account, or be applied or dealt with wholly or in part in each or any of such ways, and may direct that, except in so far as such excess is not directed to be so applied or dealt with, the same shall not be paid to the Board and in every such case the sum which would otherwise be payable to the Board shall be reduced accordingly. R.S.O. 1937, c. 372, s. 129.

TRINITY COLLEGE.

- **124.**—(1) Nothing in this Act shall impair or prejudicially Rights of affect the rights of Trinity College under those provisions of College the agreement made between the Trustees of the University under federation of Toronto and Trinity College bearing date the 25th day of agreement. August, 1903, which are set out in Schedule B, but such provisions shall continue binding on the University.
- (2) The Board may make such arrangement as it may deem Arrangeexpedient for facilitating the removal of Trinity College to removal of Queen's Park, and to that end may agree to such modifications College to and alterations of the terms of such agreement, and may agree Queen's to such additional or substituted terms, financial or otherwise as to the Board may seem meet, but no such agreement shall have any force or effect until approved by the Lieutenant-Governor in Council, and when so approved it shall have the same force and effect as if the terms thereof had been embodied in this Act.
- (3) In the event of its being necessary in order to carry Loan to out any agreement entered into under the provisions of sub-be guaransection 2, that to enable Trinity College to remove its seat Province. to a site on the University land in or near Queen's Park and to erect new buildings thereon a loan to be raised by Trinity College should be guaranteed by the Province, the Lieutenant-Governor in Council for and in the name of the Province may guarantee the repayment of the loan in such form and upon

and subject to such conditions and stipulations as to the nature and sufficiency of the security to be given for the loan, the safeguards which may be deemed necessary to protect the Province against loss and to ensure the repayment of principal and interest as the same become due and otherwise as to the Lieutenant-Governor in Council may seem meet.

Trinity College authorized to enter into agreement as to removal. (4) Trinity College may enter into any agreement which it may deem necessary for carrying out the purpose mentioned in subsection 2, and may make and execute all agreements, deeds and other instruments deemed necessary to carry into effect the provisions of any such agreement.

Borrowing powers of Trinity College.

(5) Trinity College may also borrow upon the security of its property, real and personal, or any part thereof, such sum of money as may be deemed requisite in order to carry out such removal, and the terms of any agreement so entered into, and may execute such deeds, bonds, debentures and other instruments necessary for the purposes of such security, and the money so borrowed may be repayable at such times and in such manner and bear such rate of interest as to Trinity College may seem meet. R.S.O. 1937, c. 372, s. 130.

DEVONSHIRE PLACE.

Board may close Devonshire Place. 125.—(1) The Board may stop up and close the highway in the City of Toronto called Devonshire Place, and if and when a statute for that purpose is passed by the Board and registered as hereinafter mentioned, the said highway shall be stopped up and closed and shall cease to be a highway, and the soil and freehold thereof shall be vested in the Board for the use of the University and University College.

Compensation to owners of adjoining lands. (2) The Board shall make to the owners and occupiers of and all persons interested in any of the lots fronting or abutting on the said highway compensation for the damage or injury occasioned to such lots by the closing of the highway, and the amount of such compensation shall be ascertained and determined in the manner provided for by clause (e) of section 32.

Registration of statute closing Devonshire Place. (3) The statute may be registered in the Registry Office for the City of Toronto, and for the purpose of such registration a duplicate original of the statute shall be made out and certified under the hand of the Bursar and the seal of the Board and shall be registered without any further proof. R.S.O. 1937, c. 372, s. 131.

FEDERATED COLLEGES BECOMING COLLEGES OF THE UNIVERSITY.

126. If where a college federated with the University has When federestablished or hereafter establishes a faculty of arts in which may become instruction in the subjects of the course of study in arts not of the being University subjects is provided and a statute of the Board has been or shall be passed declaring that it has so done, such college, so long as it maintains such faculty to the satisfaction of the Board, shall be known as and may be called a college of the University, and the teaching staff in such faculty shall have the same representation in the Council of the Faculty of Arts as is by section 68 given to the teaching staffs of the federated universities, and the regular matriculated students of such college who are enrolled therein and enter their names with the Registrar shall be entitled to the privileges which are by section 115 conferred upon the students mentioned therein. R.S.O. 1937, c. 372, s. 132.

GENERAL.

- 127. The University Act, section 30 of The Statute Law Rev. Stat., Amendment Act, 1940, section 39 of The Statute Law Amend- c. 372; ment Act, 1942, and section 44 of The Statute Law Amendment s. 30; 1942, s. 39; 1946, c. 89, s. 44, re-Act, 1946, are repealed. pealed.
- 128. This Act shall come into force on the day upon Commencewhich it receives the Royal Assent and shall be deemed to ment of Act. have had effect on and after the 1st day of March, 1947.
- 129. This Act may be cited as The University of Toronto Short title. Act, 1947.

SCHEDULE A.

FORM 1.

(Section 100.)

FORM OF VOTING PAPER.

UNIVERSITY OF TORONTO SENATE ELECTION.

1 Q

- I, , resident at of , do hereby declare:
- , in the county
- (1) That the signature subscribed hereunto is of my proper hand-writing.
- (2) That I vote in my right as a graduate of the Faculty of Arts, enrolled at the time of graduation in University College (or Victoria College, or Trinity College, or St. Michael's College) (or as a graduate of the Faculty of Medicine, or of Law, or of Applied Science and Engineering, etc., as the case may be) (or as a principal of (or assistant in a collegiate institute, or a high school, or a vocational school, as the case may be).)
- (3) That I vote for the following persons as members of the Senate of the University of Toronto, viz., of in the etc., etc.
- (4) That I have not for the purpose of this election signed any other voting paper as a graduate of the Faculty of Arts (or of Medicine, or of Law, or of Applied Science and Engineering, etc. as the case may be) (or as a principal of (or assistant in) a collegiate institute (or a high school, or a vocational school, as the case may be).)
- (5) That this voting paper was signed by me on the day of the date thereof.
- (6) (In the case of a principal of or assistant in a collegiate institute, or a high school, or a day vocational school) That I am now actually engaged in teaching in a collegiate institute (or a high school, or a day vocational school) viz., in tl.e

Witness my hand this

day of

19

A.B.

R.S.O. 1937, c. 372, Sched. A, amended.

SCHEDULE B.

(Section 124.)

Provisions of the agreement between the Trustees of the University of Toronto and Trinity College which are not to be affected by the Act.

"The parties of the second part shall be entitled to have lectures in the University subjects as defined by *The University Act, 1901*, delivered by the professors and other instructors of the University of Toronto at Trinity College in all subjects of the general or pass course, and as far as practicable in all subjects of the several honour courses, but it is hereby declared that it is not intended that there shall be any duplication of lectures or other instruction for the purposes of which scientific apparatus or other means of demonstration are required which are not provided by Trinity College, and which cannot be conveniently taken from the University buildings to Trinity College.

"All arrangements for such lectures, including the time table of lectures and the personnel of lecturers, shall be made in such manner as to afford to the students enrolled at Trinity College the same advantages in regard to the University lectures as are afforded to the students of the other Arts colleges, and the said arrangements shall be made in each year by the President of the University of Toronto and the Provost of Trinity College, and, in the event of their being unable to agree on any matter, the same shall be forthwith referred for final decision to such person as they may designate in writing under their hands, and, in the event of the President and the Provost being unable to agree upon such referee within one week after such disagreement on any matter as aforesaid, such referee shall be appointed by the Minister of Education, and a decision in writing of such referee, by whomsoever chosen, shall be final.

"The expenses connected with the duplication of lectures as aforesaid shall be assumed by the Government as a permanent charge on the provincial revenues in consideration of the suspension by Trinity College of its degree conferring powers, and of its surrender to the University of Toronto of all fees in connection with degrees other than those of Theology.

"A site to be agreed on between the said parties hereto in or near the Queen's Park, in the City of Toronto, on the lands vested in the parties of the first part, shall be reserved for the parties of the second part, on which they may erect at their own expense a building for the use of the students of Trinity College while attending lectures in the University buildings.

"Such site shall be occupied by the parties of the second part free of ground rent and all other charges so long as the federation of the universities continue, but, in the event of the withdrawal of the parties of the second part from federation the said building shall be purchased from the said parties of the second part by the said parties of the first part at a valuation to be determined by the arbitration of two indifferent persons to be appointed, one by each of the parties hereto, their successors or assigns, and this provision shall be deemed to be and shall be a submission under *The Arbitration Act*.

"Until the erection of such building, students from Trinity College attending University lectures shall be allowed the use of some suitable rooms in one of the University buildings.

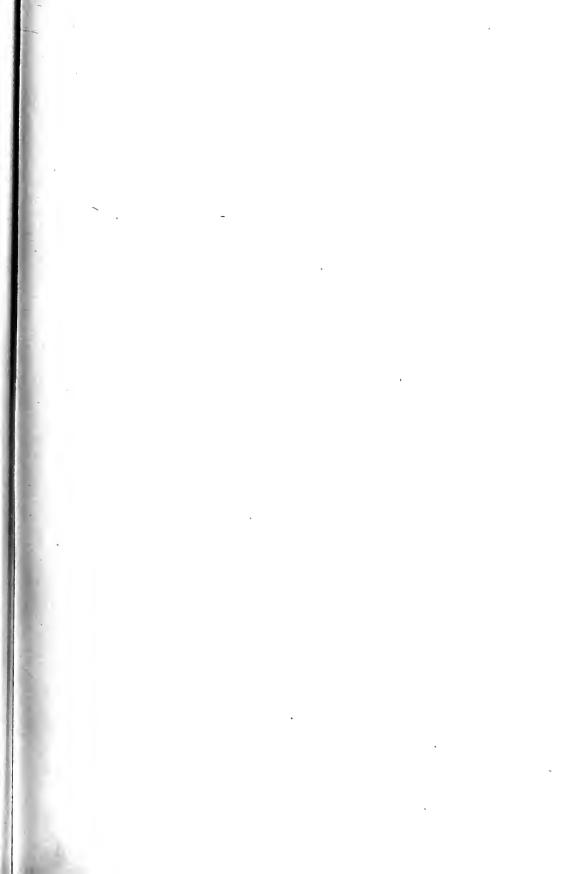
"Subsections 1 and 2 of section 43 of the said Act are hereby declared to be incorporated in and to form part of this agreement.

"The Senate of the University of Toronto shall enact such statutes as may be necessary to enable the University of Toronto to confer on undergraduates and graduates of Trinity College the degrees provided for by subsection 2 of section 3 of *The University Act*, 1901, which are now conferred by Trinity University.

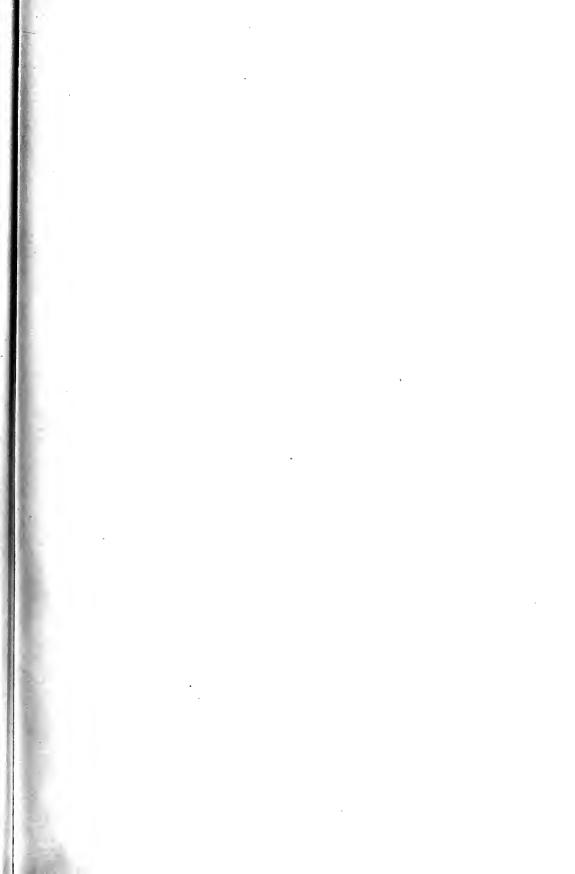
"The examination for the said degrees shall be conducted by the University of Toronto through examiners nominated by the parties of the second part, and the said degrees shall be conferred by the University of Toronto upon the report of the said examiners.

"All students of Trinity Medical College who have not matriculated at the date of the issue of the proclamation of the federation of the two universities shall be allowed two years from the date to matriculate in the University of Trinity College under the regulations in force at the date of federation."

R.S.O. 1937, c. 372, Sched. B







BILL

The University of Toronto Act, 1947.

1st Reading March 21st, 1947

3rd Reading

2nd Reading

Mr. Drew

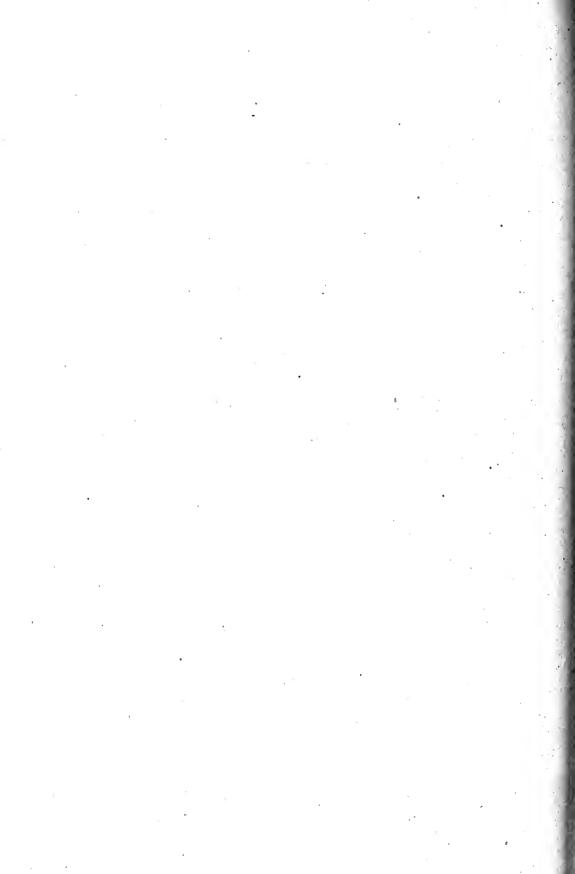
3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

The University of Toronto Act, 1947.

Mr. Drew

TORONTO
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ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 103

1947

BILL

The University of Toronto Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION AND GENERAL PROVISIONS.

1. In this Act.—

Interpreta-

- (a) "affiliated college" shall mean a college which is "affiliated affiliated with the University;
- (b) "appointed members" shall mean the members of the "appointed members";

 Board appointed by the Lieutenant-Governor in Council;
- (c) "Board" shall mean The Governors of the University "Board"; of Toronto;
- (d) "Bursar" shall mean Bursar of the University; "Bursar":
- (e) "Chancellor" shall mean Chancellor of the Univer-"Chancellor"; sity;
- (f) "college" shall include a school or other institution "college": of learning;
- (g) "Committee of Nomination" shall mean Committee "Committee of Nomination established under this Act; "Committee of Nomination";
- (h) "Comptroller" shall mean Comptroller of the Uni-troller"; versity;
- (i) "council" shall include The Council of the Faculty "council"; of Arts, The Council of University College and the council of every faculty and school;
- (j) "federated college" shall mean a college which is "federated federated with the University;

"federated university";

(k) "federated university" shall mean a university which is federated with the University;

"head";

(l) "head", when it refers to the head of a federated university or of a federated college, shall mean the person who is or is certified by the governing body of such university or college to be the head thereof;

"Librarian";

(m) "Librarian" shall mean Librarian of the University;

"President";

(n) "President" shall mean President of the University:

"property";

(o) "property" shall include real property and all other property of every nature and kind;

"real property";

(p) "real property" shall include messuages, lands, tenements and hereditaments whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;

"Registrar";

(q) "Registrar" shall mean Registrar of the University;

"Senate";

(r) "Senate" shall mean Senate of the University;

"teaching staff";

(s) "teaching staff" shall include professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction;

"Trinity College";

(t) "Trinity College" shall mean Trinity College as established and incorporated by the Act passed in the 14th and 15th years of the reign of Her late Majesty Queen Victoria, chaptered 32, and as constituted a university by Royal Charter bearing date the 16th day of July, 1853; and

"University".

(u) "University" shall mean University of Toronto. R.S.O. 1937, c. 372, s. 1, amended.

TUmiversity, University College, faculties, etc., convinued. 2. The provincial university, known as the University of Toronto, the provincial college, known as University College, the Senate, Convocation, the several faculties and schools of the University and the Faculty of University College, are and each of them is hereby continued, and, subject to the provisions of this Act, shall respectively have, hold, possess and enjoy all the property, rights, powers and privileges which they respectively now have, hold, possess or enjoy. R.S.O. 1937, c. 372, s. 2, amended.

Appointments, statutes and regulations, continued.

3. All appointments in and statutes and regulations affecting the University and University College and each of them

shall continue, subject to the provisions of this Act, and subject also, as to the teaching staff and all officers, servants and employees, to their removal by the Board. R.S.O. 1937, c. 372, s. 3.

4.—(1) Whenever in any Act or document reference is School of made to the School of Practical Science, the same shall apply Science and extend to the Faculty of Applied Science and Engineer-to mean ing.

(2) All money expended by the Board in the maintenance Money exof the faculty shall for the purposes and within the meaning pended by of the agreement bearing date the 2nd day of March, 1889, maintenbetween Her late Majesty Queen Victoria, and the Corpora-faculty. tion of the City of Toronto, be deemed to be money expended by "Her Majesty and Her Successors acting by and through the Executive Council of the Province of Ontario." R.S.O. 1937, c. 372, s. 5.

FEDERATED AND AFFILIATED INSTITUTIONS.

- **5.**—(1) Every university and every college federated with Universities and the University and every college affiliated with the University colleges, shall continue to be so federated or affiliated, subject to any affiliated or statute in that behalf and to this Act. R.S.O. 1937, c. 372, s. 6 (1).
- (2) Subject to the provisions of this Act, a college affiliated affiliated with a federated university at the time of its federation with with federthe University, whether heretofore or hereafter entered into, versity. shall be deemed to be affiliated with the University.
- (3) The following are declared to be the universities Federated federated with the University:
 - (a) Victoria University; and
 - (b) Trinity College.
- (4) The following are declared to be the colleges federated Federated colleges. with the University:
 - (a) Knox College;
 - (b) Wycliffe College;
 - (c) St. Michael's College; and
 - (d) Emmanuel College of Victoria University.

Affiliated colleges.

- (5) The following are declared to be the colleges affiliated with the University:
 - (a) Albert College;
 - (b) The Ontario Agricultural College;
 - (c) The Royal College of Dental Surgeons of Ontario;
 - (d) The Ontario College of Pharmacy;
 - (e) The Ontario Veterinary College;
 - (f) The Ontario College of Art;
 - (g) The Ontario Ladies College, by reason of its having been affiliated with Victoria University when Victoria University became federated with the University; and
 - (h) St. Hilda's College, by reason of its having been affiliated with Trinity College when Trinity College became federated with the University.

Affiliated colleges, when to be represented on Senate.

(6) A college affiliated with the University since the 15th day of April, 1901, or hereafter affiliated with it shall not be entitled to representation on the Senate unless so declared by statute of the Senate. R.S.O. 1937, c. 372, s. 6 (2-6), amended.

Removal of college from federation or affiliation.

(7) The Senate may remove from federation or affiliation with the University any college, now or hereafter federated or affiliated with it, which becomes an integral part of or federates or affiliates with any other university which has and exercises the powers of conferring any degrees other than those in theology.

Colleges affiliated with federated university to cease to be affiliated with University on dissolution of federation.

(8) If and when any university now or hereafter federated with the University ceases to be federated with it, every college which is affiliated with the University by reason only of its having been affiliated with such federated university shall thereupon and thereafter cease to be affiliated with the University, but shall retain the same relation with the federated university with which it was affiliated as existed when such federated university became federated with the University.

Arts faculties of Victoria, Trinity and St. Michael's.

(9) The arts faculties of Victoria University, Trinity College and St. Michael's College in their relation to the University shall be known as and may be called colleges of the University bearing respectively as such colleges the names Victoria College, Trinity College and St. Michael's College. R.S.O. 1937, c. 372, s. 6 (7-9).

6.—(1) When any university in Ontario determines to Admission surrender its degree-conferring powers, except the power of versities to federation. conferring degrees in theology, and notifies the Board of such determination, the Board may by statute declare such university to be federated with the University on and from a day to be named in the statute, and thereupon and thereafter the power of such federated university to confer degrees, except in theology, shall be suspended.

- (2) Every such statute shall be published forthwith after Publication of statute. the passing thereof in the Ontario Gazette.
- (3) The power and authority of conferring degrees, except Suspension in theology, of any university now or hereafter federated conferring with the University shall be suspended and in abeyance, but during may be resumed by such federated university if three years federation. have elapsed from the date when its federation with the Uni-Proviso. versity took effect, and if after the lapse of such three years one year's notice in writing of its intention to resume its degree-conferring powers has been given to the Board, and such federated university shall cease to be federated with the University at and after the expiry of the last-mentioned period.

(4) Notice that any such federated university has ceased Notice of to be federated with the University and the date when it of federation. ceased to be so federated shall be published in the Ontario Gazette.

(5) The graduates and undergraduates in arts, science and Rights of graduates law of a federated university and such graduates and under-and under-graduates thereof in medicine as have passed their examina-federated university. tions in Ontario, so long as such federation continues, shall have and enjoy the same degrees, honours and status in the University as they held and enjoyed in the federated university. R.S.O. 1937, c. 372, s. 7.

7.—(1) No religious test shall be required of any professor, Religious lecturer, teacher, officer or servant of the University or of not re-University College, or of any student thereof or therein, nor shall religious observances according to the forms of any religious denomination or sect be imposed on them or any of them, but the Board may make regulations touching the moral Moral and religious conduct of the students thereof and therein and their attend-training. ance on public worship in their respective churches or other places of religious worship and their religious instruction by their respective ministers, according to their respective forms of religious faith, and every requisite facility shall be afforded for such purposes, but attendance on such forms of religious observances shall not be compulsory on any student attending the University or University College.

Right of federated universities religion.

(2) Nothing in this section shall interfere with the right of a federated university or college to make such provision in and colleges regard to religious instruction and religious worship for its own students as it may deem proper, and to require the same to be observed as a part of its own discipline. R.S.O. 1937, c. 372, s. 8.

PROPERTY.

Accounts of proceeds of sales of lands set apart for University and University College.

8.—(1) Separate accounts of the proceeds of the sales of the lands set apart for the use of the University and University College or either of them by the Act passed in the 60th year of the reign of Her late Majesty Queen Victoria, chaptered 59, and by the Act passed in the third year of the reign of His late Majesty King Edward the Seventh, chaptered 36, as amended by the Act passed in the 5th year of the same reign, chaptered 36, and by the Act passed in the last-mentioned year, chaptered 37, shall continue to be kept by the proper officers and departments and yearly accounts thereof to be furnished to the Board, as provided in those Acts, and all money derived from such sales shall be paid to the Board free from all charges or deductions for management or otherwise.

Rights of University as to such lands preserved.

(2) The repeal of the Acts and parts of Acts mentioned in subsection 1 shall not affect or impair the right of the University and University College or either of them to have the lands mentioned therein set apart in accordance with and subject to the provisions thereof.

Annual grant of \$7,000 continued.

(3) The annual grant of \$7,000, provided for by the firstmentioned Act, shall continue to be paid to the Board as provided therein, and the same shall form a charge upon and be paid from time to time out of the Consolidated Revenue R.S.O. 1937, c. 372, s. 9. Fund.

Property vested in trustees transferred to Board.

9. All property heretofore or hereafter granted, conveved, devised or bequeathed to any person in trust for or for the benefit of the University and University College or either of them or of any faculty, school or department thereof or otherwise in connection therewith, subject always to the trust affecting the same, shall be vested in the Board. 1937, c. 372, s. 10, amended.

Queen's Park.

10. The land demised to the Corporation of the City of Toronto for the purpose of a park under the authority of section 66 of chapter 62 of the Consolidated Statutes of Upper Canada shall, so long as the lease remains in force, form part of the City of Toronto and the residue of the land adjacent to the park which is vested in the Board shall be subject to the police regulations of the corporation and the council thereof and except as herein otherwise provided to the by-laws R.S.O. 1937, c. 372, s. 11.

- 11. All real property vested in the Board shall, as far as Application the application thereto of any statute of limitations is con-of limitacerned, be deemed to have been and to be real property vested tions as to in the Crown for the public uses of Ontario. R.S.O. 1937, c. 372, s. 12.
- 12. The dedication heretofore by the Crown for any pur-Former pose of any real property held for the purposes of the Uni-to University and University College or either of them has not taken affect status away from such real property any rights or privileges which of lands as it enjoyed as Crown lands or prejudicially affected the same, lands. but all such rights and privileges remain in full force and effect. R.S.O. 1937, c. 372, s. 13.
- 13.—(1) The real property vested in the Board shall not Land vested in Board not be liable to be entered upon, used or taken by any municipal liable to exor other corporation or by any person possessing the right of taking land compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

- (2) Subsection 1 shall apply to real property owned by Norland or vested in any university or college federated with the the other University. R.S.O. 1937, c. 372, s. 14.
- 14.—(1) The property real and personal vested in the Exemption Board and any lands and premises leased to or occupied by from taxattee Board shall not be liable to taxation for provincial municipal. the Board shall not be liable to taxation for provincial, municipal or school purposes, and shall be exempt from every description of taxation; but except as mentioned in subsections 2 and 3, and unless otherwise by law exempt, the interest of every lessee under a lease from the Board and every occupant Lessees, other than the Board of real property vested in the Board shall be liable to taxation. R.S.O. 1937, c. 372, s. 15 (1), amended.
- (2) The liability to taxation of the interest of a lessee or Lessees or occupant mentioned in this section shall not extend to the of certain interest of a lessee or occupant being a member of the teaching exempted. staff or an officer or servant of the University or of University College who, or being an association of undergraduates or an incorporated society of undergraduates or of graduates and undergraduates which, is the lessee or occupant of any part of the property commonly known as the University Park, composed of the north halves of park lots numbers eleven, twelve and thirteen in the first concession from the Bay, in the Township of York, now in the City of Toronto, and including that part of park lot number fourteen in the first concession, described in a conveyance to Her late Majesty Queen Victoria, registered as number 8654R in the registry

office for the registry division of the City of Toronto, but the interest of every such lessee or occupant shall be exempt from taxation. R.S.O. 1937, c. 372, s. 15 (2).

Certain land of federated bodies also exempt.

(3) Those parts of the lots mentioned in subsection 2 which are now or hereafter may be owned, leased or occupied by any federated university or federated college for the purposes of such university or college shall also be exempt from taxation in the same way and to the same extent as the real property vested in the Board and lands and premises leased to or occupied by the Board are by subsection 1 exempted from taxation. R.S.O. 1937, c. 372, s. 15 (3), amended.

Endowment of chairs, scholarships, etc.

15. Any person with the approval of the Board may, under and subject to such terms and conditions as he may prescribe, endow a chair or found a fellowship, scholarship, bursary, exhibition, medal, prize or other award in the University or University College, or aid the University and University College and each of them by providing an endowment for any other purpose or object in connection therewith. R.S.O. 1937, c. 372, s. 16, amended.

BOARD OF GOVERNORS.

Board of Governors. 16. The Board of Governors of the University and University College is continued as a body corporate by the name and style of "The Governors of the University of Toronto," and shall have in addition to the rights, powers and privileges mentioned in section 28 of *The Interpretation Act*, the power to take and hold real property for the purposes of the University and of University College without licence in mortmain. R.S.O. 1937. c. 372. s. 17.

Rev. Stat., c. 1.

Composition of Board. 17.—(1) The Board shall consist of the Chancellor and the President of the University, who shall be *ex officio* members, and twenty-two persons appointed by the Lieutenant-Governor in Council.

Nomination of certain members of Board of Governors by Alumni. (2) The Alumni Federation of the University of Toronto may nominate eight of the twenty-two persons so to be appointed by the Lieutenant-Governor in Council and such nomination shall be by general vote of the members of the Alumni Federation of the University of Toronto who are graduates of the University, and such vote shall be taken by closed voting papers mailed or delivered by the members to the secretary-treasurer of the said Federation at such time and subject to such regulations as may be made by the Alumni Council of the said Federation with the approval of the Lieutenant-Governor in Council.

Nominees to be appointed (3) Vacancies hereafter occurring by the expiry of the as vacancies term of office or by death or resignation or from any other arise.

cause among the appointed members may be filled from among the persons so nominated until eight such persons have been appointed, and in the case of vacancies caused by death or resignation or from any cause other than the expiry of the term of office the member appointed shall hold office for the remainder of the term for which the member whose place is to be filled was appointed.

- (4) The persons declared to be ineligible for appointment Who inas members of the Board shall not be eligible for nomination nomination. by the Alumni Federation of the University of Toronto. R.S.O. 1937, c. 372, s. 18.
- **18.** No person shall be eligible for appointment as a mem-Disqualifications. ber of the Board unless he is a British subject and his customary place of residence is in the Province of Ontario. R.S.O. 1937, c. 372, s. 19, amended.
- 19. One of the members of the Board shall be appointed Chairman. by the Lieutenant-Governor in Council to be its chairman. R.S.O. 1937, c. 372, s. 20.
- **20.**—(1) The Board may appoint one of its members to Appoint be vice-chairman, and in case of the absence or illness of the vice-chairman, or of there being a vacancy in the office of chairman, the vice-chairman shall act as and have all the powers of the chairman.
- (2) In case of the absence or illness of the chairman, and Chairman the vice-chairman, the Board may appoint one of its members to act as chairman *pro tempore* and the member so appointed shall act as and have all the powers of the chairman.
- (3) All acts which lawfully might have been done by the validity of chairman, when done by the acting vice-chairman, or by a chairman *pro tempore* shall be conclusively deemed to have been lawfully done, and it shall not be necessary to prove that any of the causes mentioned in subsection 1 for the vice-chairman acting, or that any of the causes mentioned in subsection 2 for the appointment of a chairman *pro tempore* in fact existed. R.S.O. 1937, c. 372, s. 21.
- **21.** Unless and until otherwise provided by the Board, Quorum. seven members shall constitute a quorum. R.S.O. 1937, c. 372, s. 22.
- 22. Notwithstanding any vacancy in the Board, as long as Ten memthere are at least ten members it shall be competent for the exercise Board to exercise all or any of its powers. R.S.O. 1937, powers. c. 372, s. 23.

Term of office.

23. The appointed members of the Board shall hold office for six years, and until their successors are appointed. R.S.O. 1937, c. 372, s. 24.

Members may be reappointed.

24. An appointed member of the Board shall be eligible for re-appointment. R.S.O. 1937, c. 372, s. 25.

Removal from office.

25. An appointed member of the Board may be removed by the Lieutenant-Governor in Council. R.S.O. 1937, c. 372, s. 26.

Heads of federated universities, etc., ineligible.

26. The head of University College, the head of a federated university, or of a federated or an affiliated college, a member of the teaching or administrative staff of the University, of University College, of a federated university, or of a federated or affiliated college, shall not be eligible to be appointed as a member of the Board. R.S.O. 1937, c. 372, s. 27 (1), amended.

Member becoming ineligible.

27.—(1) If a member of the Board, after his appointment, accepts or occupies any of the offices or positions mentioned in section 26, or ceases to have his customary place of residence in the Province of Ontario, or becomes mentally ill or otherwise incapable of acting as a member, he shall *ipso facto* vacate his office, and it shall be the duty of the Board, by resolution, to declare his membership vacant. R.S.O. 1937, c. 372, s. 27 (2), part, amended.

Absence from meetings.

(2) If, within any fiscal year of the University, a member of the Board, not having been granted leave of absence by the Board, attends less than forty per centum of the meetings of the Board, the Board may, by resolution, declare his membership vacant.

Idem.

(3) If, within any fiscal year of the University, a member of the Board, not having been granted leave of absence by the Board, attends less than twenty per centum of the meetings of the Board, he shall *ipso facto* vacate his office and it shall be the duty of the Board, by resolution, to declare his membership vacant. *New*.

Proof.

(4) A resolution passed under this section entered upon the minutes of the Board shall be conclusive evidence of the vacancy therein declared. R.S.O. 1937, c. 372, s. 27 (2), part, amended.

Filling vacancies.

28. Where a vacancy on the Board happens before the term of office for which a member has been appointed has expired, the vacancy shall be filled by the appointment by the Lieutenant-Governor in Council of a successor, who shall hold office for the remainder of the term. R.S.O. 1937, c. 372, s. 28.

- 29. The government, conduct, management and control of Government, the University and of University College, and of the property, University revenues, business and affairs thereof, shall be vested in the Board. Board. R.S.O. 1937, c. 372, s. 29.
- **30.**—(1) In order to enable the Board to provide for the Borrowing purchase of such land, and the erection of such buildings as powers of the Board may from time to time deem necessary for the purposes of the University and of University College, including additions to, improvements of, and equipment for buildings now or hereafter erected, the Board may from time to time borrow such sums as the Board may from time to time deem necessary for such purposes, and may make and execute such instruments as may be deemed requisite for securing payment of the sums so borrowed, and the interest thereon. R.S.O. 1937, c. 372, s. 30 (1), amended.
- (2) The sums so borrowed and the interest thereon shall Money stand and be charged upon all the property vested in, and be charge on the revenues and income of the Board, and it shall not be property. In the property that any formal instrument declaring such charge shall be executed or registered.
- (3) The power of borrowing hereby conferred shall not be Approval of exercised unless with the approval of the Lieutenant-Governor Governor in Council, who may prescribe the terms and conditions on Council. which from time to time the power shall be exercised and the money borrowed, and the nature of the securities to be given by the Board for the repayment of the money borrowed and of the interest thereon, which may be bonds, debentures, terminable annuities or such other form of security as the Lieutenant-Governor in Council may direct or authorize. R.S.O. 1937, c. 372, s. 30 (2, 3).
- (4) The power of borrowing hereby conferred shall be a Borrowing powers exercontinuing one, and shall include the power of reborrowing cisable from R.S.O. 1937, c. 372, s. 30 (4), amended.
- (5) The Lieutenant-Governor in Council for and in the Governor in name of the Province of Ontario may guarantee the securities Council may for all sums borrowed by the Board under the authority of loans. this section, and the performance of the stipulations on its part contained in such securities.
- (6) The form and manner of the guaranty shall be deter-form of guaranty mined by the Lieutenant-Governor in Council and the guaranty shall be signed by the Treasurer of Ontario or by such officer or person as shall be designated for that purpose by the Lieutenant-Governor in Council.
- (7) Every guaranty so signed shall be binding on the Binding Province and the purchaser of any security so guaranteed Province.

shall not be bound to inquire into the authority of the officer or person signing the guaranty. R.S.O. 1937, c. 372, s. 30 (5-7).

Regulations.

31. The Board shall have power to make regulations,—

Conduct of proceedings.

(a) pertaining to the meetings of the Board and its transactions and fixing the quorum of the Board;

Committees.

- (b) providing for the appointment of committees by the Board and for the conferring upon any of such committees of authority to act for the Board with respect to any matter or class or classes of matters, but,
 - (i) a majority of the members of every such committee, including in the computation thereof the *ex officio* members, shall be members of the Board, and
 - (ii) no decision of a committee which includes in its membership persons who are not members of the Board, shall be valid or effective until approved and ratified by the Board;

Retirement of staff.

(c) providing for the retirement and superannuation of the persons mentioned in clause a of section 32;

Pensions.

(d) providing for payments by way of gratuities, retiring allowances, superannuation allowances, pensions, annuities or life insurance or any combination thereof, payable to, in respect of or for the benefit of the persons mentioned in clause a of section 32 or any class or classes thereof out of a fund or funds comprising contributions made by such persons or any class or classes thereof, or by the Board, or both, or otherwise, whether effected by agreements or arrangements entered into with one or more insurance companies licensed to transact business in Ontario or with His Majesty in right of Ontario, or His Majesty in right of Canada, or otherwise;

Pension plan.

(e) providing for the termination or variation of any plan heretofore or hereafter established having those purposes mentioned in clause d, or any of them;

Health service, physical training, etc. (f) providing for and governing a health service and health examination and physical instruction and training of the students of the University and University College; and

- (g) for the management, government and control of Control of residences and dining halls for the use of the students etc. of the University and of University College. R.S.O. 1937, c. 372, s. 31, cls. (a), (c), (i), (m), amended.
- **32**. Without thereby limiting the general powers by this Act Powers of conferred upon or vested in the Board, it is declared that the Board shall have power to,—
 - (a) appoint the President of the University, the Principal Appointment of of University College, the deans of all the faculties, President, Deans, prothe Comptroller of the University, the Librarian of fessors, etc. the University, the Bursar of the University, the Registrar of the University, the Registrar of University College, the professors, teachers and instructors of and in the University and in University College, and all such officers, clerks, employees and servants as the Board may deem necessary for the purposes of the University and University College or either of them, and fix their salaries or remuneration, and define their duties, except those of the Librarian, and their tenure of office or employment, which, unless otherwise provided, shall be during the pleasure of the Board; but no person shall be appointed as Principal of University College, or as a dean of any faculty, or as a member of the teaching staff of the University or of any faculty or school thereof or of University College, unless he has been first Appoint nominated by the President of the University and approved by the no dean of a faculty or member of the teaching President. staff of the University or of any faculty or school thereof, or of University College, shall be promoted, and no Principal of University College or dean of a faculty or member of such teaching staff shall be removed from office except upon the recommenda-Removals. tion of the President of the University, but this provision shall not apply where there is a vacancy in the office of President; R.S.O. 1937, c. 372, s. 31, cl. (b), amended.
 - (b) subject to the limitations imposed by any trust as Investments to the same, invest all such money as shall come to the hands of the Board, and is not required to be expended for any purpose to which it lawfully may be applied, in such manner as to the Board may seem meet;
 - (c) purchase, take and hold by gift or devise real property Acquiring for the purposes of the University and University real College, or either of them, without licence in mort-property.

 main, and every person shall have the unrestricted

right to devise and bequeath property, real and personal, for the purposes of the University and University College, or either of them, to the Board, or otherwise for such purposes;

Acquiring other property.

(d) purchase and acquire all such property as the Board may deem necessary for the purposes of the University and University College, or either of them, and such power shall include that of purchasing the interest of a lessee in any real property vested in the Board which is under lease; R.S.O. 1937, c. 372, s. 31, cls. (d-f).

Expropriation of lands.

(e) without the consent of the owner or of any person interested therein enter upon, take, use and expropriate all such real property as the Board may deem necessary for the purposes of the University and University College, or either of them, or of any other university or college federated with the University at the cost and expense of such federated university or college, making due compensation for any such real property to the owners and occupiers thereof. and all persons having any interest therein, and the provisions of The Municipal Act as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation, shall mutatis mutandis apply to the Board, and to the exercise by it of the powers conferred by this clause, and where any act is by any of such provisions required to be done by the clerk of a municipality, or at the office of such clerk, the like act shall be done by the Comptroller or the Bursar, or at the office of the Comptroller or the Bursar, as the case may be; R.S.O. 1937, c. 372, s. 31, cl. (g), amended.

Rev. Stat., c. 266.

(f) acquire, hold, maintain and keep in proper order and condition such real property as the Board may deem necessary for the use of the students of the University and University College, and each of them, for athletic purposes, and erect and maintain such buildings and structures thereon as it may deem necessary; R.S.O. 1937, c. 372, s. 31, cl. (h).

Acquiring and maintaining real property for athletic purposes.

(g) provide such means for a health service and health examination and physical instruction and training of the students of the University and University College as to the Board may seem meet; R.S.O. 1937, c. 372, s. 31, cl. (i), amended.

Providing means for health service, physical training, etc.

(h) sell any of the real property vested in the Board or

Selling and leasing lands. lease the same for any period not exceeding twenty-one years to commence in possession, with such right of renewal and under and subject to such rents, covenants, agreements, and conditions as to the Board may seem meet; R.S.O. 1937, c. 372, s. 31, cl. (j).

- (i) dedicate real property vested in the Board for public Dedication highways or other public purposes upon such terms property. and conditions as to the Board may seem meet; New.
- (j) lay out and expend such sums as the Board may deem Expenditure necessary for the support and maintenance of the maintenance University and University College and each of them, and improvements. and for the betterment of existing buildings, and the erection of such new buildings as the Board may deem necessary for the use or purposes of the University and University College, and of each of them, and for the furnishing and equipment of such existing and newly erected buildings;
- (k) lay out and expend such sums as the Board may deem Residences necessary for the erection, equipment, furnishing and halls, etc. maintenance of residences and dining halls for the use of the students of the University and University College, and of each of them, whether such students are graduates or undergraduates, and acquire and take over from any corporation any rights and powers possessed by it in respect of University residences and any property vested in it, on such terms as may be agreed on between such corporation and the Board, and such corporation may enter into and carry out any agreement for such purposes, and upon the agreement being completed such corporation shall, if so provided by the terms of the agreement, be dissolved, and its rights, powers and property be vested in the Board; R.S.O. 1937, c. 372, s. 31, cls. (k, l).
- (l) lay out and expend such sums as may be required Gratuities, for the purposes of funds which are established for the payment of gratuities, retiring allowances, pensions or life insurance under regulations made pursuant to clause d of section 31; New.
- (m) establish such faculties, schools, institutes, depart-Establishing ments, chairs and courses of instruction in the departments. University, and such departments, chairs and courses etc. of instruction in University College in any subject except theology, as to the Board may seem meet; R.S.O. 1937, c. 372, s. 31, cl. (n), amended.

Federation of colleges.

(n) provide for the federation with the University of any college established in Ontario for the promotion of art or science, or for instruction in law, medicine, engineering, agriculture or any other useful branch of learning, on such terms as to representation on the Senate and otherwise as to the Board may seem meet, and enter into any agreement which may be deemed necessary to effectuate such federation;

Affiliation of colleges.

(o) provide for the affiliation with the University of any college established in Canada for the promotion of art or science, or for instruction in law, medicine, engineering, agriculture, or any other useful branch of learning, on such terms as to the Board may seem meet, and enter into any agreement which may be deemed necessary to effectuate such affiliation;

Dissolution of affiliation.

(p) provide for the dissolution of any such affiliation or of any existing affiliation or for the modification or alteration of the terms thereof; R.S.O. 1937, c. 372, s. 31, cls. (o-q).

Fees.

(q) fix from time to time the fees to be paid for post-graduate instruction, and for instruction in all faculties, schools, institutes, departments and courses now in existence or hereafter established, the fees to be paid by regular and occasional students in the University and in University College for enrolment therein, the library fees, the laboratory supply fees, the physical training fees, the health service fees, and the fees for examinations, degrees and certificates, and when a federated college by arrangement with the proper authorities teaches any part of the course in arts, make such reduction in the fees payable by the students so taught in such college as to the Board may seem reasonable;

Arrangements with secondary and primary schools.

(r) enter into such arrangements with the governing body of any secondary or primary school as the Board may deem necessary for the purpose of or in connection with the academic work of the University or of any faculty, school, institute or department thereof, and the governing body of any such school which is a collegiate institute, a high school, a day vocational school or public or separate school, may, with the approval of the Lieutenant-Governor in Council, make such arrangements with the Board;

Establishing, etc., schools. (s) establish, erect, equip, maintain and conduct such schools as may be deemed requisite for the purpose

of practice and observation or otherwise for or in connection with the Ontario College of Education, and fix the fees to be paid for instruction in such schools;

- (t) borrow from time to time from any bank or lender Borrowing on such terms as may be agreed on such sums of from bank money as may be required for the purposes of the University and of University College, but,
 - (i) the total sum to be so borrowed and remaining unpaid at any one time shall not, without the approval of the Lieutenant-Governor in Council, exceed \$500,000, and
 - (ii) a bank or lender shall not be bound to inquire as to the necessity for borrowing, but where any loan is made, it shall be deemed to have been lawfully made under the authority of this section; R.S.O. 1937, c. 372, s. 31, cls. (r-u), amended.
- (u) purchase or otherwise acquire any invention or Power to any interest therein, or any rights in respect thereof, patents, etc or any secret or other information as to any invention, and apply for, purchase or otherwise acquire any patents, interests in patents, licences and the like conferring any exclusive or non-exclusive or limited right to make or use or sell any invention or inventions and use, exercise, develop, dispose of, assign or grant licences in respect of or otherwise turn to account the property rights or information so acquired, and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of any invention or any rights in respect thereof, or the owner of a patent of invention or of any rights thereunder may possess, exercise and eniov:
- (v) apply for, purchase or otherwise acquire any trade Power to marks or trade names and the like or any interest trade marks. therein and use, dispose of, assign or otherwise turn to account the trade marks, trade names and interests so acquired, and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of a trade mark or trade name or the like may possess, exercise and enjoy; and
- (w) apply for, purchase or otherwise acquire any copy-Power to right or like right or any interest therein or right copyright. thereunder, and use, exercise, develop, dispose of,

assign or grant licences in respect of or otherwise turn to account any copyright or like right or any interest or right so acquired, and generally possess. exercise and enjoy all the rights, powers and privileges which the owner of a copyright or like right or of any interest therein or right thereunder may possess, exercise and enjoy. R.S.O. 1937, c. 372, s. 32, part.

Alterations

33. The Board may modify, alter and change the constituconstitution, tion of any body constituted or continued by this Act, except the Senate, and create such new bodies as may be deemed necessary for the purpose of carrying out the objects and provisions of this Act, and also confer upon the bodies constituted or continued by this Act, or any of them, and upon any new body hereafter constituted, such powers as to the Board may seem meet, but nothing herein shall authorize any abridgement of the powers conferred upon the Senate by section 48. R.S.O. 1937, c. 372, s. 33.

Committee of students.

34.—(1) The Board may make provision for enabling the students of the University, University College and the federated universities and federated colleges to appoint a representative committee of themselves to be chosen in such manner as shall be approved by the Board, which shall be the recognized official medium of communication on behalf of such students between them and the Board.

Right to make com-

(2) The committee shall have the right to make communimake com-munications, cations through the President of the University to the Board upon any subject in which they are or may deem themselves to be interested.

Saving individual rights.

(3) Nothing herein shall take away or impair the right of any student of or in the University or University College to make complaint to the governing bodies thereof or to the Board in respect of any matter as to which he is or may deem himself to be entitled to complain; but every such complaint shall be transmitted through the President to the Board or to the proper governing body, as the case may be, and in no other manner.

Saving control of federated. bodies.

(4) Nothing in this section shall impair or affect the right of control which any federated university or college possesses over its students. R.S.O. 1937, c. 372, s. 34.

Endowment not to be impaired without consent of Government

35.—(1) The Board shall not incur any liability or make any expenditure which has the effect of impairing the endowment of the University and University College, or any addition to such endowment hereafter made, unless an estimate therefor has been first made and approved by the Lieutenant-Governor in Council.

- (2) In this section "endowment" shall mean the real "Endow-property vested in the Board, the proceeds of any part meaning of. thereof sold, and the money invested in mortgages or other securities. R.S.O. 1937, c. 372, s. 35.
- **36.** Save as in this Act otherwise expressly provided, the Action of action of the Board in any matter with which it may deal shall resolution be by resolution or by statute, as the Board may determine, or statute but it shall not be essential to the validity of any such resolution or statute that it be under the corporate seal of the Board if it is authenticated in the manner prescribed by the Board. R.S.O. 1937, c. 372, s. 37.
- **37**. The accounts of the Board shall be audited at Accounts of least once a year by the Provincial Auditor, or by some person audit of. appointed by the Lieutenant-Governor in Council for that purpose. R.S.O. 1937, c. 372, s. 38 (1).
- **38.**—(1) The Board shall make an annual financial report Annual to the Lieutenant-Governor in Council in such form as the report. Lieutenant-Governor in Council may from time to time require. R.S.O. 1937, c. 372, s. 38 (2), amended.
- (2) The report shall be transmitted to the Provincial Secretory to be transtary on or before the 1st day of December next after the mitted. close of the year for which it is made, and shall be laid before the Assembly forthwith if the Assembly is then in session or if it is not then in session, within ten days after the commencement of the next session. R.S.O. 1937, c. 372, s. 38 (3).
- **39.** Without the written consent of the Attorney General Consent of no action shall be brought against the Board or against any General to member of it on account of anything done or omitted by him against in the execution of his office. R.S.O. 1937, c. 372, s. 39.
- **40.** If any question arises as to the powers or duties of the Powers of council of University College, of the council of any faculty or Board as to school, of the Caput, of the President, of the Principal of questions as University College, or of any officer or servant of the Uni-and duties. versity or of University College, it shall be settled and determined by the Board, whose decision shall be final. R.S.O., 1937, c. 372, s. 40, amended.
- **41**. All the powers over, in respect of, or in relation to Residual the University and University College which are not by the Board. the terms of this Act directed to be exercised by any other person or body of persons, are hereby, subject to the provisions of this Act, vested in the Board. *New*.

THE SENATE.

42. The Senate of the University shall be composed as Senate,—how composed.

- (a) the following shall be ex officio members,—
 - (i) the Chancellor,
 - (ii) the President,
 - (iii) the Chairman of the Board,
 - (iv) the Principal of University College,
 - (v) the president or other head of each federated university and federated college,
 - (vi) the dean of each faculty of the University,
 - (vii) the Librarian,
 - (viii) the President of the Alumni Federation of the University of Toronto,
 - (ix) every person who has occupied the office of Chancellor, and
 - (x) every person who has occupied, for a period of at least seven years, the office of President;
- (b) the faculties shall be entitled to representation as follows and the representatives of the faculties other than the Faculty of Arts of the University shall be elected by their respective faculty councils,—
 - (i) the Faculty of Arts of the University, with the exception of the Department of Law, by the professors, not including associate professors, or assistant professors, of the Faculty, each of whom shall be a member of the Senate,
 - (ii) the Faculty of University College, by six members,
 - (iii) the Faculty of Victoria College, by five members,
 - (iv) the Faculty of Trinity College, by five members,
 - (v) the Faculty of St. Michael's College, by five members,
 - (vi) the Faculty of Medicine, by eight members,

- (vii) the Faculty of Applied Science and Engineering, by eight members,
- (viii) the Faculty of Household Science, by two members,
- (ix) the Ontario College of Education, by two members.
- (x) the Faculty of Forestry, by two members,
- (xi) the Faculty of Dentistry, by five members,
- (xii) the School of Law, by two members, and
- (xiii) the Faculty of Arts of every university and arts college hereafter federated with the University, by five members each;
- (c) one member shall be appointed by each federated university;
- (d) two members shall be appointed by each federated college except St. Michael's College which shall appoint one member;
- (e) one member shall be appointed by the governing body of every college which is now or shall hereafter be affiliated and entitled to appoint a representative;
- (f) one member shall be appointed by each of the following,—
 - (i) The Law Society of Upper Canada,
 - (ii) The College of Physicians and Surgeons of Ontario,
 - (iii) The Ontario Association of Architects, and
 - (iv) the Association of Professional Engineers of the Province of Ontario;
- (g) one member shall be appointed by each of the following,—
 - (i) the School of Physical and Health Education,
 - (ii) the School of Social Work,
 - (iii) the School of Nursing,
 - (iv) the School of Hygiene,

- (v) the School of Chinese Studies, and
- (vi) the Department of University Extension;
- (h) each of the following groups shall elect the number of members indicated,—
 - (i) the graduates in arts of the University who at the time of graduation were enrolled in University College, twelve members,
 - (ii) the graduates in arts and science of Victoria University and the graduates in arts of the University who at the time of graduation were enrolled in Victoria College, five members,
 - (iii) the graduates in arts and science of Trinity College and the graduates in arts of the University who at the time of graduation were enrolled in Trinity College, five members,
 - (iv) the graduates in arts of the University who at the time of graduation were enrolled in St. Michael's College, five members,
 - (v) the Bachelors of Arts of the University who at the time of graduation were not enrolled in University College or in a federated university or arts college, one member,
 - (vi) the Masters of Arts and Doctors of Philosophy of the University each of whom obtained his Bachelor's degree in another university, one member,
 - (vii) the graduates in medicine, eight members,
 - (viii) the graduates in applied science and engineering and such persons as hold the diploma established by the School of Practical Science, whether granted by the School of Practical Science or by the University, six members,
 - (ix) the graduates in household science, one member.
 - (x) the graduates in pedagogy, one member,
 - (xi) the graduates in forestry, one member,

- (xii) the graduates in music, one member,
- (xiii) the graduates in dentistry, five members,
- (xiv) the graduates in law, two members,
- (xv) the graduates in agriculture, three members,
- (xvi) the graduates in veterinary science and veterinary medicine, one member,
- (xvii) the graduates in pharmacy, two members,
- (xviii) such persons as hold certificates as principals of collegiate institutes or high schools or assistants therein and are actually engaged in teaching in a collegiate institute or high school, four members,
- (xix) such persons as hold certificates as principals of vocational schools or assistants therein and are actually engaged in teaching in a day vocational school, one member;
- (i) a university hereafter federated with the University shall be entitled to be represented on the Senate in proportion of one member for every one hundred graduates in arts and for any fraction of one hundred over one-half, to one additional member, but in no case shall the number of members exceed five;
- (j) where a new faculty, school, institute or department is established in the University, the Senate may, subject to confirmation by the Board, provide for representation on the Senate of the faculty, school, institute or department and of the graduates of the faculty, school, institute or department. R.S.O. 1937, c. 372, s. 41, amended.
- **43**. Members of the teaching or administrative staff of the Members of University, of University College, of the federated univerbe elected. sities, and of the federated and affiliated colleges, shall not be eligible for election by any of the graduate bodies. R.S.O. 1937, c. 372, s. 42, amended.
- 44. No person shall be eligible for election or appointment Eligibility. as a member of the Senate unless his customary place of residence is in the Province of Ontario. R.S.O. 1937, c. 372, s. 43, amended.

Vacancies in Senate. 45. If an elected or appointed member of the Senate resigns, ceases to have his customary place of residence in the Province of Ontario, becomes mentally ill or incapable of acting, or becomes a member of the teaching or administrative staff of any of the bodies mentioned in section 43 not being the body which he has been appointed to represent, his seat shall *ipso facto* become vacant, and a declaration of the existence of any vacancy entered upon the minutes of the Senate shall be conclusive evidence thereof. R.S.O. 1937, c. 372, s. 45, amended.

Filling vacancies in Senate

- 46. If a vacancy occurs from any cause it shall be filled,—
 - (a) in the case of an appointed member, by the body possessing the power of appointment;
 - (b) in the case of a member elected by a faculty council, by the faculty council; and
 - (c) in the case of any other elected member, by the Senate.

and the person appointed or elected to fill the vacancy shall hold office for the remainder of the term of office of the member whose seat has become vacant. R.S.O. 1937, c. 372, s. 46, amended.

Disputes as to election or right to sit.

47. If any question arises touching the election of any elective member of the Senate or the right of any person to be or sit or act as a member of the Senate, the same shall not be raised or determined in or by any action or proceeding in any court, but shall be determined by the Senate, whose decision shall be final. R.S.O. 1937, c. 372, s. 47, amended.

Powers and duties of Senate.

48. In addition to such others as are expressly mentioned in this Act, the powers and duties of the Senate shall be to,—

Regulating proceedings.

(a) provide for the regulation and conduct of its proceedings, including the determination of the quorum necessary for the transaction of business;

Granting degrees.

(b) provide for the granting of and grant degrees, including honorary degrees and certificates of proficiency, except in theology;

Cancelling or suspending degrees. (c) provide for the cancellation, recall or suspension of and cancel, recall or suspend the degree, whether heretofore or hereafter granted or conferred, of any graduate of the University heretofore or hereafter convicted in Ontario or elsewhere of an offence which, if committed in Canada, would be an indictable

offence, or heretofore or hereafter guilty of any infamous or disgraceful conduct or of conduct unbecoming a graduate of the University, and for erasing the name of such graduate from the roll or register of graduates and for requiring the surrender for cancellation of the diploma, certificate or other instrument evidencing the right of such graduate to the degree of which he shall have been deprived, and for providing the mode of inquiring into and determining as to the guilt of such graduate, and the procedure generally in respect of any such matter, and for the purpose of making such inquiry, the Senate and the committees thereof shall have all the powers which by The Public Inquiries Act Rev. Stat., may be conferred upon commissioners appointed under the provisions of that Act;

- (d) provide for the restoring, and restore, in such cases Restoring as it deems proper, degrees of graduates whose degrees have been cancelled, recalled or suspended under clause c:
- (e) provide for the establishment of fellowships, scholar-Fellowships, ships, bursaries, exhibitions, medals, prizes and other etc. awards;
- (f) provide for the affiliation with the University of any Amiliation of college established in Canada for the promotion of colleges. art or science, or for instruction in law, medicine, engineering, agriculture or any other useful branch of learning, and for the dissolution of such affiliation, or of any existing affiliation, or the modification or alteration of the terms thereof:
- (g) provide for the establishment of any faculty, school, Establishment of institute, department, chair or course of instruction faculties, departments, in the University;
- (h) provide for the establishment of any department, Department, ments, etc., chair or course of instruction in University College in University College, in any subject except theology;
- (i) appoint scrutineers for the counting of the votes for Scrutineers elective members of the Senate;
- (j) consider and determine on the report of the respective Considering faculty and school councils as to the courses of study faculty in all the faculties and schools;
- (k) consider and determine as to all courses of study to Courses of which clause j does not apply;

Examiners and examinations.

(l) consider and determine on the report of the respective faculty and school councils as to the appointment of examiners, and the conduct and results of the examinations in all the faculties and schools:

University examiners and examinations.

(m) provide for the appointment of the examiners for and for the conduct of all University examinations other than those in the faculties and schools of the University and for determining the results of such examinations;

Appeals from faculty councils.

(n) hear and determine appeals from decisions of the faculty and school councils upon applications and memorials by students and others;

Reports from faculty councils. (o) consider all such matters as shall be reported to it by any council and communicate its opinion or action thereon to the council;

Representation of new faculties on Senate. (p) provide for the representation on the Senate of any faculty or school hereafter established in the University, and of the graduates in such faculty or school, if in the opinion of the Senate, provision should be made for separate representation of such graduates;

Calendars.

(q) provide for the preparation and publication of the calendars, which shall include those of University College and the federated universities, or such of them as desire that their calendars shall be inserted therein;

Library and Librarian. (r) make rules and regulations for the management and conduct of the library, and prescribe the duties of the Librarian:

Changing composition of Senate.

(s) make such changes in the composition of the Senate as may be deemed expedient; and

Recommendations to Board.

(t) make such recommendations to the Board as may be deemed proper for promoting the interests of the University and of University College, or for carrying out the objects and provisions of this Act. R.S.O., 1937, c. 372, s. 48, amended.

Senate not to alter representation of federated universities.

49.—(1) Nothing in section 48 shall authorize the Senate to make any change in its composition which affects the rights of representation thereon of a federated university or the faculty of arts thereof, or of a federated college, or of the graduates of a federated university or of St. Michael's College, unless the same is assented to by the federated university or college affected by the change. R.S.O. 1937, c. 372, s. 49 (1), amended.

- (2) Nothing in this Act shall prevent the Senate from taking Senate may the initiative in determining as to any course of study or any courses. change therein, but before passing any statute providing therefor, the Senate shall refer to the appropriate faculty or school council the proposition under consideration for inquiry and report thereon. R.S.O. 1937, c. 372, s. 49 (2), amended.
- **50.** A certified copy of every statute or other enactment of Certain statutes of the Senate providing for any of the matters or things men-Senate to tioned in clauses c, e, f, g, h, j, k, p, r, and s of section 48 by Board. shall within ten days after the passing thereof, be transmitted to the Board, and no such statute or enactment shall have force or effect until it has been approved by the Board. R.S.O. 1937, c. 372, s. 50, amended.

CONVOCATION.

51. Convocation shall consist of the members of the Convocation. Board, the members of the Senate, the members of the teaching posed. staffs of the University, University College, and the federated universities and colleges, of the rank of assistant professor or of rank senior thereto, and all graduates of the University and of the federated universities and federated colleges. R.S.O. 1937, c. 372, s. 51, amended.

52. Convocation shall have power to,—

Powers of Convocation.

- (a) make regulations for governing its proceedings and Regulations the mode of conducting the same, and keeping re-ceedings. cords thereof:
- (b) appoint a clerk of Convocation, and prescribe his Appointment and duties of clerk.
- (c) in case of the absence of the Chancellor, elect a pre-Presiding officer for any meeting thereof;
- (d) consider all questions affecting the interests and well-Representations to being of the University, and make representations Board and thereon to the Board or to the Senate;
- (e) require a fee to be paid by the members as a condi-Fee of tion of their being placed on the register of members, and provide that no member whose name does not appear in such register shall be entitled to take any part in the proceedings of Convocation;
- (f) appoint an executive committee and confer upon it Executive such powers as may seem meet. R.S.O. 1937, c. 372, committee. s. 52.
- **53**. Convocation shall meet when convened by the Chan-Meetings of cellor, and also at such times and places as may be fixed by tiop. Convocation by regulation, and in the absence of such regula-

tion, as may be fixed by Convocation or by the executive committee thereof, and the Board shall provide a suitable place for its meetings. R.S.O. 1937, c. 372, s. 53.

Notice of meetings.

54. Notice of all meetings shall be given in such manner as may be prescribed by Convocation by regulation, and in the absence of such regulation as may be directed by Convocation or by the executive committee. R.S.O. 1937, c. 372, s. 54.

Transmission of minutes.

55. A true copy of the minutes of the proceedings of every meeting of Convocation shall be transmitted without unnecessary delay to the Board and to the Senate. R.S.O. 1937, c. 372, s. 55.

Majority vote to decide.

56. All questions shall be decided by the vote of the majority of the members present. R.S.O. 1937, c. 372, s. 56.

Chairman may vote a member. **57**. The chairman or presiding officer shall be entitled to vote as a member of Convocation, and any question on which there is an equality of votes shall be deemed to be negatived. R.S.O. 1937, c. 372, s. 57.

Quorum.

58. No question shall be decided at any meeting unless at least twenty-five members are present. R.S.O. 1937, c. 372, s. 58.

Special meetings—how called.

59.—(1) If at least twenty-five members by writing under their hands, setting forth the objects thereof, require the chairman to convene a special meeting of Convocation, the chairman shall call the same without unnecessary delay.

Special meetings to be confined to object.

(2) No matter shall be considered at any such meeting except that for the consideration of which the meeting shall have been called. R.S.O. 1937, c. 372, s. 59.

Chancellor to be chairman of Convocation. **60**. The Chancellor shall be the chairman of Convocation. R.S.O. 1937, c. 372, s. 61.

Degrees to be conferred by Chancellor or President.

61. All degrees shall be conferred by the Chancellor, or, in case of his absence, or of there being a vacancy in the office, by the President, or, in case of the absence of both of them, or of both offices being vacant, by a member of a faculty of the University, appointed for the purpose by the Senate. R.S.O. 1937, c. 372, s. 62.

CHANCELLOR.

The Chan-

62.—(1) There shall be a Chancellor of the University who shall be appointed by the Board and by the Senate on the nomination of the Committee of Nomination. R.S.O. 1937, c. 372, s. 60, amended.

- (2) No person shall occupy the office of Chancellor unless who he is a British subject and his customary place of residence is in the Province of Ontario. R.S.O. 1937, c. 372, s. 43, amended.
- (3) No person shall occupy the office of Chancellor who is Who inthe President of the University, the Principal of University College, the head of a federated university, the head of a federated or affiliated college, or a member of the teaching or administrative staff of the University, of University College, of any of the federated universities or of any of the federated or affiliated colleges, or who is a member of the governing body of any federated university or of any federated or affiliated college. New.
- (4) Subsection 3 shall not render any person ineligible Nomination for nomination to or by the Committee of Nomination for the office of Chancellor; but no person shall be appointed to the office of Chancellor while he occupies the office of President of the University, Principal of University College, or is the head of a federated university, the head of a federated or an affiliated college or is a member of any such teaching or administrative staff or governing body. New.
- **63.**—(1) Subject to section 64, the term of office of the Term of Chancellor shall be three years commencing with the 1st day of July of the year in which he is appointed, and he shall hold office until his successor is appointed, and shall be eligible for re-appointment for one additional term of three years only. R.S.O. 1937, c. 372, s. 63, amended.
- (2) The first appointment of a Chancellor under the provi-First appointsions of this section shall be made for a term commenting ment. on the 1st day of July, 1947. New.
- **64.** If a vacancy in the office of Chancellor occurs from Procedure any cause the vacancy shall be filled by the appointment by vacancy. the Board and by the Senate of a successor nominated by the Committee of Nomination and the successor so appointed shall hold office for a period not exceeding three years commencing on a date to be fixed by the Committee of Nomination and ending on the 30th day of June in such year as the Committee of Nomination may designate, and he shall hold office until his successor is appointed and shall be eligible for re-appointment for one additional term of three years only. R.S.O. 1937, c. 372, s. 65, amended.
- **65.** If the Chancellor ceases to be eligible for such office, where or becomes mentally ill or otherwise incapable of acting, he becomes shall *ipso facto* vacate his office and a declaration of the ineligible. existence of such vacancy by the Committee of Nomination to the Board and to the Senate and so entered upon the minutes of the Board and of the Senate shall be conclusive evidence thereof. R.S.O. 1937, c. 372, s. 64, amended.

Committee of Nomination.

- **66.**—(1) The Committee of Nomination shall be composed of.-
 - (a) the Chairman of the Board;
 - (b) the President:
 - (c) six members of the Board to be appointed from time to time by the Board to hold office during the pleasure of the Board:
 - (d) six members of the Senate to be appointed from time to time by the Senate to hold office during the pleasure of the Senate; and
 - (e) six members to be appointed from time to time by the Alumni Federation of the University of Toronto from among the graduates of the University to hold office during the pleasure of the said Alumni Federation.

Chairman.

(2) The Chairman of the Board shall be Chairman of the Committee of Nomination and in his absence the Committee may appoint an acting chairman from among the members of the Committee present at the meeting.

Secretary.

(3) The Registrar shall be the Secretary of the Committee of Nomination.

Meetings.

(4) The Committee of Nomination shall meet at such times and places and on such notice as may be fixed by it by regulations and also when convened by the Chairman of the Board.

Nomination to be sub

(5) The Committee of Nomination shall submit its nomination for the office of Chancellor to the Senate and to the Board. New.

Nominations by graduates.

67.—(1) The Committee of Nomination shall make its nomination for the office of Chancellor from nominations made to the Committee by graduates of the University entitled to vote at Senate elections.

Form and

- (2) Every nomination made to the Committee of Nominadelivery of command to the least ten graduates nominations tion shall be in writing signed by at least ten graduates. entitled to vote at Senate elections and shall be delivered at the office of the Registrar, or if sent by mail, received there not later than,—
 - (a) except in the cases mentioned in clauses b and cthe first Wednesday in April of the year in which the term of the office of Chancellor expires;

- (b) in the case of the filling of a vacancy under section 64, a date to be fixed by the Committee of Nomination and published in such manner as it may determine; and
- (c) in the case of the first appointment under the provisions of this section, Wednesday, the 30th day of April, 1947. New.

COUNCILS.

- **68.**—(1) There shall be a council to be known as "The Council of Faculty Of Arts", which shall consist of,— of Arts.
 - (a) the President;
 - (b) the Principal of University College;
 - (c) the president or other head of each federated university or federated arts college;
 - (d) the Dean of the Faculty of Arts;
 - (e) the Librarian;
 - (f) the teaching staff in the Faculty of Arts of the University;
 - (g) the teaching staff of University College;
 - (h) the teaching staff in the Faculty of Arts of Victoria College;
 - (i) the teaching staff in the Faculty of Arts of Trinity College;
 - (j) the teaching staff in the Faculty of Arts of St. Michael's College;
 - (k) the teaching staff in the Faculty of Arts of every other university or arts college hereafter federated with the University;
 - (l) one professor in the department of religious knowledge appointed by the theological faculty in each federated university now or hereafter federated; and
 - (m) one professor appointed by each of the federated colleges. R.S.O. 1937, c. 372, s. 66 (1), amended.
- (2) There shall be a council for each of the other faculties other and schools of the University now or hereafter established faculty to consist of the dean or director and the teaching staff thereof

and the Librarian, and a council for University College to be known as the Council of University College and to consist of the Principal and the teaching staff thereof and the Librarian. R.S.O. 1937, c. 372, ss. 68, 69, 75, amended.

Interpretation.

- (3) For the purposes of this section,—
 - (a) "teaching staff" shall not include lecturers and instructors whose appointments are temporary; and
 - (b) lecturers and instructors who are members of a council shall act as assessors only and shall not be entitled to vote. R.S.O. 1937, c. 372, ss. 66 (2, 3), 70, amended.

Chairman.

- 69. The chairman of a council shall be,—
 - (a) in the case of the Council of the Faculty of Arts the President;
 - (b) in the case of the Council of University College, the Principal of University College; and
 - (c) in the case of each of the other councils, the dean of the faculty or the director of the school. R.S.O. 1937, c. 372, ss. 72, 74, 80 (2), amended.

Powers and duties of faculty councils except University College.

- **70.**—(1) The powers and duties of the Council of the Faculty of Arts and of the council of each of the other faculties and schools shall be to,—
 - (a) make rules and regulations for governing its proceedings, including the determination of the quorum necessary for the transaction of business;
 - (b) subject to the provisions of this Act and to the approval of the Board, make rules and regulations for the government, direction and management of the faculty or school, and the affairs and business thereof;
 - (c) subject to the approval of the Senate, fix and determine the courses of study in the faculty or school;
 - (d) subject to approval and confirmation by the Senate, appoint the examiners for, and conduct the examinations of the courses in the faculty or school and determine the results of such examinations;

- (e) subject to an appeal to the Senate, deal with and decide upon all applications and memorials by students and others in connection with the faculty or school; and
- (f) consider and report to the Senate upon such matters affecting the faculty or school as to the council may seem meet. R.S.O. 1937, c. 372, ss. 67 (1), 71, amended.
- (2) The powers and duties of the Council of University University College. College shall be to,—
 - (a) make rules and regulations for governing its proceedings, including the determination of the quorum necessary for the transaction of business;
 - (b) subject to the provisions of this Act and to the approval of the Board, make rules and regulations for the government, direction and management of University College, and the affairs and business thereof:
 - (c) appoint the examiners for and conduct the examinations of University College; and
 - (d) consider and report to the Board and to the Senate or to either of them upon such matters affecting University College as may seem meet. R.S.O. 1937, c. 372, s. 73, amended.

CAPUT.

- **71.** Unless and until otherwise provided by the Board, Caput, there shall be a Committee to be called the Caput, which shall posed. be composed of the President, who shall be the chairman, the Principal of University College, the heads of the federated universities, the heads of the federated colleges, the deans of the faculties of the University and the Warden of Hart House, and the presence of at least five of the members shall be necessary to constitute a quorum for the transaction of Quorum. business. R.S.O. 1937, c. 372, s. 76, amended.
 - **72.** The powers and duties of the Caput shall be to,— Powers and duties.
 - (a) fix and determine the time tables for the lectures and Time tables other instruction in the University which affect more etc. than one faculty or school or which affect University College, or a federated university or college;
 - (b) authorize such lecturing and teaching in the Univer-Authorizing sity by others than the duly appointed members of and teaching staff thereof, and prevent all lecturing and teaching not so authorized;

Disciplinary powers.

(c) exercise the powers as to discipline conferred upon it by sections 79 to 82;

To determine control of university associations.

(d) determine by general regulation or otherwise to what university, college, faculty, school, or other body, the control of any university association belongs;

Matters assigned to Caput by Board or Senate.

(e) generally, deal with all such matters as may be assigned to it by the Board or by the Senate, if in the latter case such matters fall within the powers conferred upon the Senate by this Act. R.S.O. 1937, c. 372, ss. 77, 85, amended.

Rules or regulations to be approved by Board. **73.** A copy of every general rule or regulation made by the Caput shall be transmitted to the Board, and no such general rule or regulation shall have any force or effect until it has been approved by the Board. R.S.O. 1937, c. 372, s. 78.

Caput may advise President.

74. The Caput may advise the President in all matters affecting the academic interests of the University, but the powers of the President shall not be subject to its control. R.S.O. 1937, c. 372, s. 79.

PRESIDENT, PRINCIPAL, REGISTRARS.

President of University.

75.—(1) There shall be a President of the University who shall be the chief executive officer thereof, and shall have general supervision over and direction of the academic work of the University, and the teaching staff thereof, and the officers and servants employed in or in connection with such work, including the Registrar, and shall also have such other powers and perform such other duties as from time to time may be conferred upon or assigned to him by the Board.

Member of councils.

(2) He shall be a member of all councils except the Council of University College and he shall be chairman of the Council of the Faculty of Arts.

Chairman of Senate.

(3) He shall be chairman of the Senate.

To confer degrees in absence of Chancellor.

(4) In the absence of the Chancellor, he shall confer all degrees.

To call meetings of Council of Faculty of Arts. (5) He shall call meetings of the Council of the Faculty of Arts in accordance with the regulations of the Council, and also when requested to do so by at least five members thereof.

Suspending members of staff.

(6) He shall have power to suspend any member of the teaching staff of the University and University College and any officer and servant mentioned in subsection 1 and when he exercises that power he shall forthwith report his action to the Board, with a statement of his reasons therefor.

- (7) He shall make recommendations to the Board as to all Recommendations to appointments to and all promotions in, and removals from the Board as to teaching staff of the University, and University College, in-ments, etc. cluding the Principal, and of the officers and servants mentioned in subsection 1.
- (8) He shall have the right to summon meetings of any Summoning council whenever he may deem it necessary to do so, and to councils. take the chair at any meeting thereof at which he may be present.
- (9) He may also, at his discretion, convene joint meetings Convening joint meetings of all the councils or any two or more of them.
- (10) He shall report annually to the Board and to the Annual Senate upon the progress and efficiency of the academic work Board. of the University and University College, and as to their progress and requirements, and make such recommendations thereon as he may deem necessary, and he shall also report upon any matter which may be referred to him by the Board or by the Senate.
- (11) The enumeration of the express powers mentioned in Mention of subsections 4 to 10 shall not limit the general powers con-powers not to limit genferred by subsection 1. R.S.O. 1937, c. 372, s. 80, amended eral powers.
- **76.**—(1) In case of his absence or illness, the President President may appoint may appoint a member of any faculty or school to act in his a substitute stead, and if there is a vacancy in the office of President, absence or or if no appointment is made, the Board may appoint a member of any faculty or school to act *pro tempore*, and, failing an appointment, and until it is made, the Dean of the Faculty of Arts of the University shall act as President *pro tempore*.
- (2) The person acting pursuant to any such appointment Powers of shall have and may exercise all the powers and shall perform pro tem. all the duties of President, but not those as to appointments, promotions and removals unless requested by the Board to do so. R.S.O. 1937, c. 372, s. 81, amended.
- **77.**—(1) There shall be a Principal of University College, Principal of who shall be the chief executive officer thereof, and shall have College. general supervision over and direction of the academic work of University College and the teaching staff thereof, and the officers and servants employed in or in connection with such work, including the Registrar of University College, and shall also have such other powers and perform such other duties as from time to time may be assigned to him by the Board.
- (2) He shall be a member of the Council of the Faculty of To be a member of Faculty of Faculty of Arts.

To call meetings of Council of University College. (3) He shall call meetings of the Council of University College in accordance with the regulations of the Council, and when requested to do so by at least five members thereof, and also whenever he may see fit.

May suspend members of staff of College.

(4) He shall have power to suspend any member of the teaching staff of University College, and any officer and servant mentioned in subsection 1, and when he exercises that power, he shall forthwith report his action to the President with a statement of his reasons therefor.

Annual report to Board and Senate.

(5) He shall report annually to the Board and to the Senate upon the progress and efficiency of the academic work of University College, and as to its progress and requirements, and make such recommendations thereon as he may deem necessary and he shall also report upon any matter which may be referred to him by the Board or by the Senate, and his reports shall, in all cases, be made through the President.

Absence or vacancy in office of Principal. (6) In case of the absence or illness of the Principal, he may appoint a member of the teaching staff of University College to act for him and failing an appointment and until it is made by him, or if there is a vacancy in the office of Principal, the senior member of the teaching staff of University College shall act as principal *pro tempore*. R.S.O. 1937, c. 372, s. 82.

Registrars for University and University College. **78.** There shall be a Registrar for the University and a Registrar for University College, and the offices shall not beheld by the same person. R.S.O. 1937, c. 372, s. 83.

DISCIPLINE.

Disciplinary jurisdiction of governing bodies.

79.—(1) The Council of University College, and the governing bodies of the federated universities and colleges, shall, respectively, have disciplinary jurisdiction over and entire responsibility for the conduct of their students in respect of all matters arising or occurring in or upon their respective college buildings and grounds, including residences. R.S.O. 1937, c. 372, s. 84 (1).

Disciplinary jurisdiction of faculty councils. (2) The councils of such of the faculties and schools as shall have assigned for their separate use any buildings and grounds, including residences, shall have disciplinary jurisdiction over and entire responsibility for the conduct of all students in their respective faculties and schools in respect of all matters arising or occurring in or upon such buildings and grounds, including residences.

Disciptinary jurisdiction of Caput.

(3) In all other cases, as respects all students of the University, University College and the federated universities and colleges, disciplinary jurisdiction shall be vested in the Caput,

but the Caput may delegate its authority in any particular case or by general regulation to the council or other governing body of the university, college, faculty or school to which the student belongs. R.S.O. 1937, c. 372, s. 84 (2, 3), amended.

- **80**.—(1) Disciplinary jurisdiction under section 79 shall Punish include power to suspend, to impose fines and to recommend to the Senate the withholding of degrees, diplomas, certificates or academic standing.
- (2) In cases involving conduct which the Caput, the Expulsion. governing body of a federated university or college, or a council considers may warrant the punishment of expulsion, the Caput shall have power to award either in addition to or in substitution for any punishment which may be awarded under section 79 or this section, the punishment of expulsion. subject to confirmation by the Board, whose decision shall be final and not open to review. R.S.O. 1937, c. 372, s. 87, amended.
- **81.** If there is any question as to the proper body to Deciding exercise jurisdiction in any matter of discipline which may of Jurisarise, it shall be determined by the Caput, whose decision shall be final and not open to review. R.S.O. 1937, c. 372, s. 86, amended.
- 82. A student shall have the right to appeal to the Board Appeal. from any punishment awarded against him except in a case of expulsion which has been confirmed by the Board, but shall have no other right of appeal and the decision of the body exercising disciplinary jurisdiction as hereinbefore provided shall be final and binding and not open to review except by the Board. New.
- 83. As respects the conduct and discipline as students of abrogate the University of all students registered in the University to or change whatsoever federated university, federated college, college, as to disfaculty or school they belong and as respects all students enrolled in University College the provisions of sections 79 to 82 may be abrogated or changed by the Board. R.S.O. 1937, c. 372, s. 88, amended.

SENATE ELECTIONS.

84. Except as otherwise provided in this Act the elective Quadrenmembers of the Senate shall be elected and the appointed tions of members thereof shall be appointed quadrennially and they shall hold office until their respective successors are elected or appointed. R.S.O. 1937, c. 372, ss. 44, 89, amended.

"Election Register."

85.—(1) The Registrar shal, after the 15th day of June, and before the 15th day of August in every year in which an election is to take place, prepare an alphabetical list to be called "The Election Register," of the names and known addresses of all graduates who are entitled to vote at such election.

Use of card catalogue in place of list of graduates.

(2) Where a card catalogue containing the names and known addresses of such graduates is kept, it shall not be necessary to prepare the alphabetical list mentioned in subsection 1. R.S.O. 1937, c. 372, s. 90, amended.

Register to be posted up in office of Registrar.

86. The election register shall be posted up or the card catalogue shall be kept in a conspicuous place in the office of the Registrar not later than the 15th day of August in every such year, and shall be open to inspection by any graduate entitled to vote, at all reasonable hours. R.S.O. 1937, c. 372, s. 91.

Persons not to vote unless names on register.

87. No person whose name does not appear in the election register shall be entitled to vote at the election. R.S.O. 1937, c. 372, s. 92.

When election register is not duly prepared.

88. If from any cause the election register is not prepared at the time and in the manner provided by this Act, the Board shall make provision for the preparation of it, and all the provisions of this Act as to the election register, except those relating to time, shall apply to the election register so prepared. R.S.O. 1937, c. 372, s. 93.

List of graduates entitled to vote to be furnished to Registrar. 89. For the purposes of all elections at which graduates of a federated university are entitled to vote, the registrar of such university shall on or before the 15th day of June in each year in which an election at which such graduates are entitled to vote is to be held, furnish to the Registrar a list of the names of all graduates of such federated university who are entitled to vote, with their post office addresses as far as known. R.S.O. 1937, c. 372, s. 94, amended.

List of principals and assistants in high schools, etc.

90. The Minister of Education shall, upon the application of the Registrar, furnish him, on or before the 1st day of August in each year in which an election is to be held, with a list of all principals of and assistants in collegiate institutes and high schools who are actually engaged in teaching in a collegiate institute or high school, and with a list of all principals of and assistants in vocational schools who are actually engaged in teaching in a day vocational school, with their post office addresses as far as known. R.S.Q. 1937, c. 372, s. 95, amended.

Separate lists of different classes of persons entitled to vote.

91.—(1) The Registrar, in preparing the election register, shall make separate lists to conform to the various groups enumerated under section 42.

- (2) Such lists shall be the voters' lists for the election. Lists to be voters' lists R.S.O. 1937, c. 372, s. 96.
- **92**. If any person whose name appears or ought to appear Complaints in any election register complains in writing to the Registrar as to error not later than ten clear days before the second Wednesday sions in of the month of September in the year in which the election is to be held, that his name or that of any person which ought to appear therein has been omitted from such register or of any error in such name as it appears therein, or that the name of any person whose name ought not to be entered in the register appears therein, the Registrar shall forthwith examine into the complaint, and after such notice as he may deem necessary to any person whose name is sought to be stricken from such register, rectify the error, if any, therein. R.S.O. 1937,

to the President. R.S.O. 1937, c. 372, s. 98, amended.

c. 372, s. 97, amended. 93. The decision of the Registrar shall be subject to appeal Appeal from

Registrar.

- 94. No person shall be elected a member of the Senate, Nominations for Senate. unless he has been nominated as hereinafter mentioned, and every vote cast for any person not so nominated shall be void. R.S.O. 1937, c. 372, s. 99, amended.
- 95. The nominations shall be in writing by a nomination Nomination paper, which shall be signed by at least ten of the persons to be in writing. entitled to vote at the election. R.S.O. 1937, c. 372, s. 100.
- 96. The nomination paper shall be delivered at the office Delivery of of the Registrar, or, if sent by mail, shall be received there paper to not later than the first Wednesday in September of the year Registrar. in which the election is to take place, and if not so delivered or received shall be invalid, and shall not be acted upon. R.S.O. 1937, c. 372, s. 101.
- 97. Any person nominated as a member of the Senate may re-Refusal to fuse to become a candidate and he shall be deemed not to have candidate. been nominated, and his name shall not be included in the list of candidates if he notifies the Registrar in writing of his refusal within four days, in which shall not be included a Sunday or other holiday, after the day upon which the time for nominations expired. R.S.O. 1937, c. 372, s. 102, amended.
- **98.** If only such number of persons as are required to be Election of elected as members of the Senate are nominated within the senate by acclamation. time fixed for that purpose the persons so nominated shall be elected to and be entitled to hold the offices for which they were respectively nominated. R.S.O. 1937, c. 372, s. 104.
- 99. The Registrar shall report to the Senate at its next Report of meeting the results of the election. R.S.O. 1937, c. 372, s. 105. result of election to Senate.

Voting papers to be sent to graduates.

100. If a poll is necessary, the Registrar shall on or before the third Wednesday in such month of September send by mail to every graduate who, according to the election register, is entitled to vote at the election, and whose place of residence is shown in such register, or is known to the Registrar, a voting paper (Form 1), together with a list of the persons whose term of office is expiring, and of all persons who have been nominated. R.S.O. 1937, c. 372, s. 106, amended.

Votes, how

101. The votes shall be given by closed voting papers, which shall be delivered, or, if sent by mail, shall be received at the office of the Registrar not earlier than the third Wednesday of such month of September, and not later than the second Wednesday of October following, both days inclusive, and every voting paper which has not been furnished by the Registrar, or which is not so delivered or received, shall be invalid and shall not be counted. R.S.O. 1937, c. 372, s. 107, amended.

Scrutineers.

102. Two persons appointed by the Senate for that purpose, shall be the scrutineers; but, if the Senate does not at least two weeks previous to the time fixed for the counting of the votes appoint the scrutineers, the President shall make the appointment. R.S.O. 1937, c. 372, s. 108.

Opening and counting votes.

103.—(1) The voting papers, upon the next day after the time for receiving them has expired, shall be opened by the Registrar, and such persons as may be appointed by the President to assist in the opening thereof, in the presence of the President and of the scrutineers, who shall examine and count the votes and keep a record thereof in a book to be provided for that purpose, and the opening of the voting papers and the counting and recording of the votes shall be continued from day to day until completed.

When President absent.

(2) If the President is unable to be present, he shall appoint some person to act in his stead. R.S.O. 1937, c. 372, s. 109.

Who may be present at count.

104. Any person entitled to vote at the election may be present at the opening of the voting papers and the counting and recording of the votes. R.S.O. 1937, c. 372, s. 110.

When voter gives more votes than entitled to.

105. If more names than the number to be elected appear on a voting paper the votes shall be counted as votes for the persons whose names appear thereon in consecutive order beginning with the first until the required number is reached, and all other votes thereon shall be invalid and shall not be counted. R.S.O. 1937, c. 372, s. 111, amended.

Declaration of result.

106. Upon the completion of the scrutiny and counting of the votes, the President or other person acting in his stead and the scrutineers shall declare the result of the election, setting

forth the number of votes cast for every person who has been nominated, and shall, without delay, report the same in writing under their hands to the Senate. R.S.O. 1937, c. 372, s. 112.

- **107**. In case of an equality of the votes given for two or senate more candidates which leaves the election undecided, the casting Senate shall, at its next meeting, give the casting vote or votes vote. necessary to decide it. R.S.O. 1937, c. 372, s. 113, amended.
- 108.—(1) If from any cause any election provided for by Failure of this Act is not held as hereinbefore provided, or if the full representanumber of members which any body is entitled to elect is not any body elected, instead of an election being held, the Senate, at a to elect. special meeting called for that purpose, may appoint the number of members which such body has failed to elect.
- (2) If the Senate should by resolution decline to appoint Proceedings the members which any body has failed to elect, the Board on failure shall make provision for holding the election or an election of Senate of the number of members which such body has failed to elect, as the case may be, and fix the dates for the nominations and the other proceedings for taking, counting and recording the votes thereat and declaring the result thereof, and such proceedings shall, as far as may be practicable, be conformable with those provided by this Act. R.S.O. 1937, c. 372, s. 114.
- 109. Notwithstanding any vacancy in the membership of Quorum of the Senate, however caused, as long as there are at least twenty members, it shall be competent for the Senate to exercise all or any of its powers. R.S.O. 1937, c. 372, s. 115.

SUBJECTS OF INSTRUCTION, ATTENDANCE, FEES, ENROLMENT.

- 110. Instruction in the Faculty of Arts shall be apportionationed between the University and University College as in Arts. follows.—
 - (a) in the University, instruction shall be given in University anthropology, art and archaeology, astronomy, courses. botany, chemistry, geography, geological sciences, history, Italian, law, mathematics (including actuarial science and applied mathematics), military studies, music, philosophy (excluding ethics), physics, political economy (including economics, political science, sociology and commerce), psychology, Spanish and zoology, and in such other subjects as, from time to time, may be determined by statute of the Senate in that behalf;
 - (b) in University College, instruction shall be given in University Greek, Latin, ancient history, English, French, Ger-College courses.

man, Oriental languages and ethics, and in such other subjects as may, from time to time, be determined by statute of the Senate in that behalf, but not in theology. R.S.O. 1937, c. 372, s. 116, amended.

Consent of federated universities required to transfer of subjects.

111. The subjects of instruction assigned by section 110 to the University and University College, respectively, shall not be transferred from the one to the other except by the direction of the Board, and no such direction shall be made unless with the consent of the federated universities. R.S.O. 1937, c. 372, s. 117.

University curriculum in arts to include certain theological subjects. 112.—(1) The curriculum in arts of the University shall include the subjects of Biblical Greek, Biblical literature, Christian ethics, apologetics, the evidences of natural and revealed religion and church history, but any provision for examination and instruction in them shall be left to the voluntary action of the federated universities and colleges, and provision shall be made by a system of options to prevent such subjects being made compulsory upon any candidate for a degree.

Distribution of options over years of course.

(2) The options shall be evenly distributed over each year of the general or pass course, and as far as practicable over each of the honour courses. R.S.O. 1937, c. 372, s. 118.

Attendance at lectures in federated universities. 113. The Board, with the consent of the federated universities, but not otherwise, may provide that attendance by a student enrolled in University College upon instruction in the subjects assigned to University College, or any of them, in any of the federated universities, shall be equivalent to attendance in University College, and that such attendance in University College by a student enrolled in a federated university shall be equivalent to attendance in such federated university, and may prescribe the terms and conditions upon which any such attendance upon instruction may take place. R.S.O. 1937, c. 372, s. 119.

Interchange of lectures with federated universities.

114. Save as otherwise provided by the Board, a professor, lecturer, or teacher of University College may give instruction at or to the students enrolled in any federated university in any of the subjects of instruction from time to time assigned to University College, and a professor, lecturer or teacher of any federated university may give instruction at or to the students enrolled in University College in any of such subjects, but the consent of the Principal of University College and of the federated university concerned and the approval of the Senate shall be first obtained. R.S.O. 1937, c. 372, s. 120.

Instruction in arts to be free except as to certain fees. 115. Instruction in arts in the University, except post-graduate instruction, shall be free to all regular matriculated

students thereof who are enrolled in University College or in a federated university or in St. Michael's College, and who enter their names with the Registrar, but this provision shall not include exemption from library fees, laboratory supply fees, physical training fees, health service fees, and the fees for examinations, degrees and certificates. R.S.O. 1937, c. 372, s. 121, amended.

- 116. The table of fees, which on the 15th day of June, Minimum 1906, was in force for University College shall be the minifees. mum table of fees for University College and for the arts faculties of the federated universities, and no reduction shall be made in such minimum unless with the consent of the Board and of the federated universities. R.S.O. 1937, c. 372, s. 122.
- 117. Attendance upon instruction in University College Attendance or in St. Michael's College or in a federated university by a sa qualification to result therein shall entitle such student to present cation to himself for any arts examination in and to proceed to any exhibitions, degree in arts of the University, and to compete for any fellowship, scholarship, bursary, exhibition, medal, prize or other award or certificate of proficiency in arts awarded or granted by the University in the same way and to the same extent as if he had attended upon such instruction in the University. R.S.O. 1937, c. 372, s. 123, amended.
- **118.** If and as far as may be sanctioned by the Senate and Federated approved by the Board, section 117 shall apply to attendance by a student of a federated or affiliated college upon instruction therein. R.S.O. 1937, c. 372, s. 124.
- 119.—(1) All students proceeding to a degree in arts in University the University, unless in cases for which special provision is arts, enrolmade to the contrary by statute of the Senate, shall be enrolled in University College or in St. Michael's College or in a federated university.
- (2) Subject to the statutes of the Senate, all students pro-Registration ceeding to a degree in any faculty or school of the University of students. other than that of arts unless in cases for which special provision is made to the contrary by statute of the Senate, shall be registered in the University and receive their instruction therein, except in the subjects in which by or under the authority of clause *b* of section 110 instruction is or may be provided for in University College, as to which it shall be sufficient if being a student enrolled in University College or in St. Michael's College or in a federated university he has received instruction therein.
- (3) All occasional and graduate students shall also be regis-Occasional tered in the University. R.S.O. 1937, c. 372, s. 125, amended. graduate students.

Admission of candidates not students of the University.

120. Persons who have not received their instruction in the University, or in University College, or in a federated university or college, or in an affiliated college, may be admitted as candidates for examination for standing or for any degree, honour, certificate of proficiency, fellowship, scholarship, bursary, exhibition, medal, prize or other award authorized to be granted or conferred by the University on such conditions as the Senate may, from time to time, determine. R.S.O. 1937, c. 372, s. 126, amended.

Qualifications of admission to University examinations. 121.—(1) No student enrolled in University College or in a federated university or college or in an affiliated college shall be permitted to present himself for any University examination subsequent to that for matriculation without producing a certificate that he has complied with the requirements of such university or college affecting his admission to such examination.

Students enrolled in affiliated colleges. (2) A student enrolled in an affiliated college may, subject to subsection 1 and to any statute of the Senate, present himself for any University examination subsequent to that for matriculation leading to a degree in that branch of learning in which instruction is given in such college, but such student shall not be entitled, unless by special permission of the Senate to present himself for any examination leading to a degree in arts or in any other faculty of the University. R.S.O. 1937, c. 372, s. 127.

Diplomas, certificates, etc., to indicate university or college.

122. Every graduate's diploma and student's certificate of standing, in addition to being signed by the proper authority of the University, shall indicate the federated university or college or affiliated college in which such student was enrolled at the time of his graduation or examination, and shall be signed by such professor, teacher or officer of the federated university or college or affiliated college as the governing body thereof may determine. R.S.O. 1937, c. 372, s. 128.

ANNUAL GRANTS.

Annual grant to University of portion of revenue from succession duties. 123.—(1) For the purpose of making provision for the maintenance and support of the University and University College, there shall be paid to the Board out of the Consolidated Revenue Fund yearly and every year a sum equal to fifty per centum of the average yearly gross receipts of the Province from succession duties, but such sum shall not exceed \$500,000 in any year.

How payable.

(2) Such annual sums shall be paid in equal half-yearly instalments on the 1st day of July and the 1st day of January in each year, and the average yearly gross receipts from succession duties shall be determined by and be based upon the

gross receipts from such duties of the three years ended on the 31st day of December next preceding the day on which the first instalment of the year is to be paid.

(3) If in any year the amount payable to the Board under When amount of the provisions of subsections 1 and 2 exceeds the amount of grant is in the estimated expenditure for the maintenance and support annual exof the University and University College for the academic year in respect of which such amount is payable, the Lieutenant-Governor in Council may direct that the excess shall be added to the permanent endowment of the University and University College or set apart by the Board as a contingent fund to provide for the event of the amount payable to the Board being in any future year or years insufficient to defray the cost of such maintenance and support, or that the same may be applied in expenditures on capital account, or be applied or dealt with wholly or in part in each or any of such ways, and may direct that, except in so far as such excess is not directed to be so applied or dealt with, the same shall not be paid to the Board and in every such case the sum which would otherwise be payable to the Board shall be reduced accordingly. R.S.O. 1937, c. 372, s. 129.

TRINITY COLLEGE.

- 124.—(1) Nothing in this Act shall impair or prejudicially Rights of affect the rights of Trinity College under those provisions of College the agreement made between the Trustees of the University under federation of Toronto and Trinity College bearing date the 25th day of agreement. August, 1903, which are set out in Schedule B, but such provisions shall continue binding on the University.
- (2) The Board may make such arrangement as it may deem Arrangements for ments for expedient for facilitating the removal of Trinity College to removal of Queen's Park, and to that end may agree to such modifications College to and alterations of the terms of such agreement, and may agree Park to such additional or substituted terms, financial or otherwise as to the Board may seem meet, but no such agreement shall have any force or effect until approved by the Lieutenant-Governor in Council, and when so approved it shall have the same force and effect as if the terms thereof had been embodied in this Act.
- (3) In the event of its being necessary in order to carry Loan to Trinity may out any agreement entered into under the provisions of sub-be guaran section 2, that to enable Trinity College to remove its seat teed by Province. to a site on the University land in or near Queen's Park and to erect new buildings thereon a loan to be raised by Trinity College should be guaranteed by the Province, the Lieutenant-Governor in Council for and in the name of the Province may guarantee the repayment of the loan in such form and upon

and subject to such conditions and stipulations as to the nature and sufficiency of the security to be given for the loan, the safeguards which may be deemed necessary to protect the Province against loss and to ensure the repayment of principal and interest as the same become due and otherwise as to the Lieutenant-Governor in Council may seem meet.

Trinity College authorized to enter into agreement as to removal. (4) Trinity College may enter into any agreement which it may deem necessary for carrying out the purpose mentioned in subsection 2, and may make and execute all agreements, deeds and other instruments deemed necessary to carry into effect the provisions of any such agreement.

Borrowing powers of Trinity College.

(5) Trinity College may also borrow upon the security of its property, real and personal, or any part thereof, such sum of money as may be deemed requisite in order to carry out such removal, and the terms of any agreement so entered into, and may execute such deeds, bonds, debentures and other instruments necessary for the purposes of such security, and the money so borrowed may be repayable at such times and in such manner and bear such rate of interest as to Trinity College may seem meet. R.S.O. 1937, c. 372, s. 130.

DEVONSHIRE PLACE.

Board may close Devonshire Place. 125.—(1) The Board may stop up and close the highway in the City of Toronto called Devonshire Place, and if and when a statute for that purpose is passed by the Board and registered as hereinafter mentioned, the said highway shall be stopped up and closed and shall cease to be a highway, and the soil and freehold thereof shall be vested in the Board for the use of the University and University College.

Compensation to owners of adjoining lands.

(2) The Board shall make to the owners and occupiers of and all persons interested in any of the lots fronting or abutting on the said highway compensation for the damage or injury occasioned to such lots by the closing of the highway, and the amount of such compensation shall be ascertained and determined in the manner provided for by clause (e) of section 32.

Registration of statute closing Devonshire Place. (3) The statute may be registered in the Registry Office for the City of Toronto, and for the purpose of such registration a duplicate original of the statute shall be made out and certified under the hand of the Bursar and the seal of the Board and shall be registered without any further proof. R.S.O. 1937, c. 372, s. 131.

FEDERATED COLLEGES BECOMING COLLEGES OF THE UNIVERSITY.

126. If where a college federated with the University has When federestablished or hereafter establishes a faculty of arts in which may become a college instruction in the subjects of the course of study in arts not of the being University subjects is provided and a statute of the Board has been or shall be passed declaring that it has so done, such college, so long as it maintains such faculty to the satisfaction of the Board, shall be known as and may be called a college of the University, and the teaching staff in such faculty shall have the same representation in the Council of the Faculty of Arts as is by section 68 given to the teaching staffs of the federated universities, and the regular matriculated students of such college who are enrolled therein and enter their names with the Registrar shall be entitled to the privileges which are by section 115 conferred upon the students mentioned therein. R.S.O. 1937, c. 372, s. 132.

GENERAL.

- 127. The University Act, section 30 of The Statute Law Rev. Stat., Amendment Act, 1940, section 39 of The Statute Law Amend-1940, c. 28, ment Act, 1942, and section 44 of The Statute Law Amendment c. 34, s. 39; 1942. Act, 1946, are repealed. 1946, c. 89, s. 44, repealed.
- 128. This Act shall come into force on the day upon Commencewhich it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of March, 1947.
- 129. This Act may be cited as The University of Toronto Short title. Act. 1947.

SCHEDULE A.

FORM 1.

(Section 100.)

FORM OF VOTING PAPER.

UNIVERSITY OF FORONTO SENATE ELECTION.

19

- I, , resident at , in the county of , do hereby declare:
- (1) That the signature subscribed hereunto is of my proper hand-writing.
- (2) That I vote in my right as a graduate of the Faculty of Arts, enrolled at the time of graduation in University College (or Victoria College, or Trinity College, or St. Michael's College) (or as a graduate of the Faculty of Medicine, or of Law, or of Applied Science and Engineering, etc., as the case may be) (or as a principal of (or assistant in a collegiate institute, or a high school, or a vocational school, as the case may be).)
- (3) That I vote for the following persons as members of the Senate of the University of Toronto, viz., of in the of etc., etc.
- (4) That I have not for the purpose of this election signed any other voting paper as a graduate of the Faculty of Arts (or of Medicine, or of Law, or of Applied Science and Engineering, etc. as the case may be) (or as a principal of (or assistant in) a collegiate institute (or a high school, or a vocational school, as the case may be).)
- (5) That this voting paper was signed by me on the day of the date thereof.
- (6) (In the case of a principal of or assistant in a collegiate institute, or a high school, or a day vocational school) That I am now actually engaged in teaching in a collegiate institute (or a high school, or a day vocational school) viz., in the

Witness my hand this

day of

19

A.B.

R.S.O. 1937, c. 372, Sched. A, amended.

SCHEDULE B.

(Section 124.)

Provisions of the agreement between the Trustees of the University of Toronto and Trinity College which are not to be affected by the Act.

"The parties of the second part shall be entitled to have lectures in the University subjects as defined by *The University Act, 1901*, delivered by the professors and other instructors of the University of Toronto at Trinity College in all subjects of the general or pass course, and as far as practicable in all subjects of the several honour courses, but it is hereby declared that it is not intended that there shall be any duplication of lectures or other instruction for the purposes of which scientific apparatus or other means of demonstration are required which are not provided by Trinity College, and which cannot be conveniently taken from the University buildings to Trinity College.

"All arrangements for such lectures, including the time table of lectures and the personnel of lecturers, shall be made in such manner as to afford to the students enrolled at Trinity College the same advantages in regard to the University lectures as are afforded to the students of the other Arts colleges, and the said arrangements shall be made in each year by the President of the University of Toronto and the Provost of Trinity College, and, in the event of their being unable to agree on any matter, the same shall be forthwith referred for final decision to such person as they may designate in writing under their hands, and, in the event of the President and the Provost being unable to agree upon such referee within one week after such disagreement on any matter as aforesaid, such referee shall be appointed by the Minister of Education, and a decision in writing of such referee, by whomsoever chosen, shall be final.

"The expenses connected with the duplication of lectures as aforesaid shall be assumed by the Government as a permanent charge on the provincial revenues in consideration of the suspension by Trinity College of its degree conferring powers, and of its surrender to the University of Toronto of all fees in connection with degrees other than those of Theology.

"A site to be agreed on between the said parties hereto in or near the Queen's Park, in the City of Toronto, on the lands vested in the parties of the first part, shall be reserved for the parties of the second part, on which they may erect at their own expense a building for the use of the students of Trinity College while attending lectures in the University buildings.

"Such site shall be occupied by the parties of the second part free of ground rent and all other charges so long as the federation of the universities continue, but, in the event of the withdrawal of the parties of the second part from federation the said building shall be purchased from the said parties of the second part by the said parties of the first part at a valuation to be determined by the arbitration of two indifferent persons to be appointed, one by each of the parties hereto, their successors or assigns, and this provision shall be deemed to be and shall be a submission under *The Arbitration Act*.

"Until the erection of such building, students from Trinity College attending University lectures shall be allowed the use of some suitable rooms in one of the University buildings.

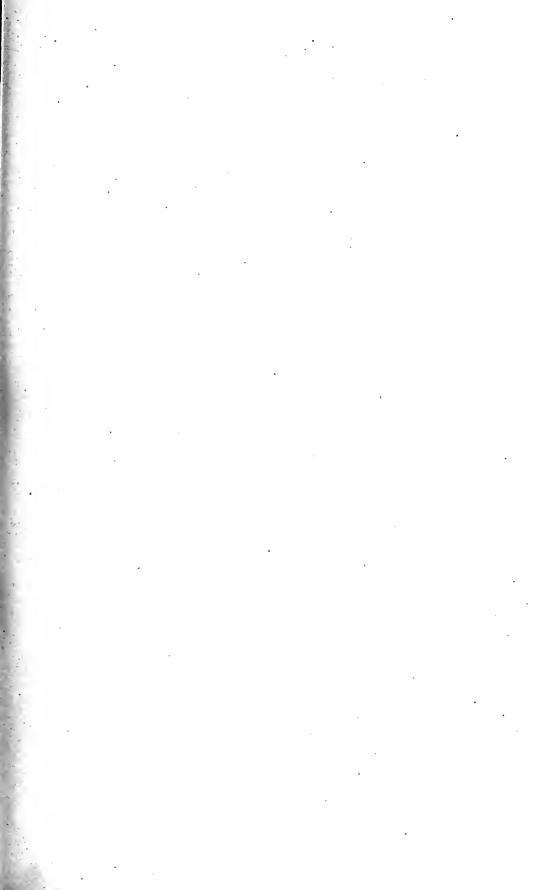
"Subsections 1 and 2 of section 43 of the said Act are hereby declared to be incorporated in and to form part of this agreement.

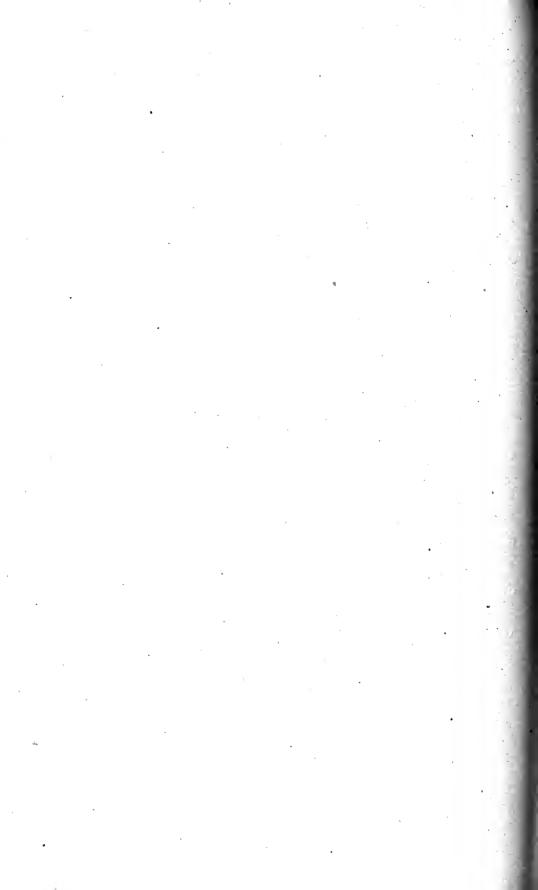
"The Senate of the University of Toronto shall enact such statutes as may be necessary to enable the University of Toronto to confer on undergraduates and graduates of Trinity College the degrees provided for by subsection 2 of section 3 of *The University Act*, 1901, which are now conferred by Trinity University.

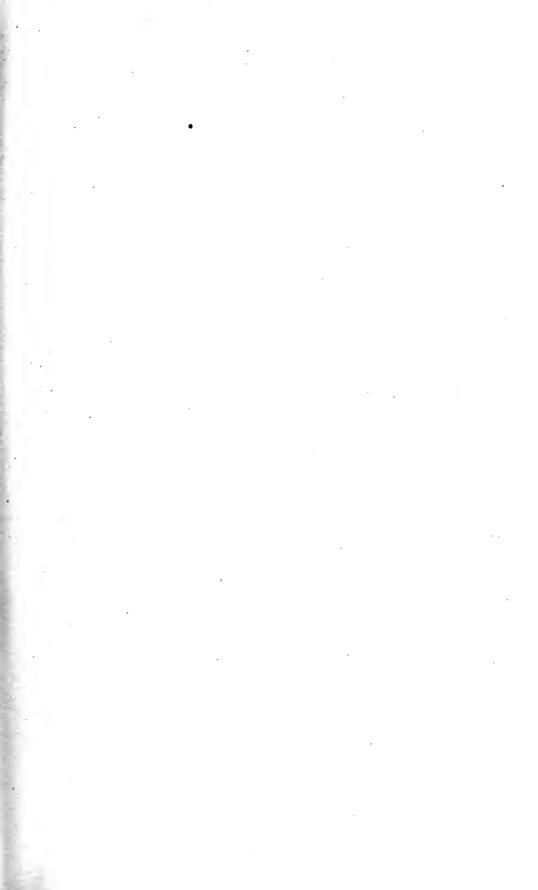
"The examination for the said degrees shall be conducted by the University of Toronto through examiners nominated by the parties of the second part, and the said degrees shall be conferred by the University of Toronto upon the report of the said examiners.

"All students of Trinity Medical College who have not matriculated at the date of the issue of the proclamation of the federation of the two universities shall be allowed two years from the date to matriculate in the University of Trinity College under the regulations in force at the date of federation."

R.S.O. 1937, c. 372, Sched. B.







BILL

The University of Toronto Act, 1947.

1st Reading March 21st, 1947

2nd Reading March 28th, 1947

3rd Reading
April 1st, 1947

Mr. Drew

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Municipal Act.

Mr. Dunbar

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

Section 1. Section 16 provides for the annexation of land to a village. Section 17 provides for the annexation of land to a township municipality in unorganized territory, for the amalgamation of two or more adjacent townships in unorganized territory into one township municipality and for the annexation of land to a city or town in unorganized territory. Hereafter all such matters will be dealt with under section 23. See section 2 of this Bill.

Section 2—Subsection 1. As re-enacted, section 23 will cover the matters heretofore done under sections 16 and 17, which are repealed by section 1 of this Bill.

The result is that all amalgamation and annexation provisions applicable to municipalities will be contained in the one section in simplified form.

No. 104

1947

BILL

An Act to amend The Municipal Act.

TIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 16 and 17 of The Municipal Act are repealed.

Rev. Stat., c. 266, ss. 16, 17, repealed.

- 2.—(1) Subsection 1 of section 23 of The Municipal Act, c. 266, s. 23, as re-enacted by section 2 of The Municipal Amendment Act, (1939). 1939, is repealed and the following substituted therefor:
 - 23.—(1) Upon the application of any municipality au-Amalgamathorized by by-law of the council thereof or upon annexations, the application of the Minister of Municipal Affairs authorized by the Lieutenant-Governor in Council, the Municipal Board may by order on such terms as it may deem expedient,—

- (a) amalgamate the municipality with any other municipality or municipalities;
- (b) annex the whole or any part or parts of the municipality to any other municipality or municipalities:
- (c) annex the whole or any part or parts of any other municipality or municipalities to the municipality; or
- (d) annex the whole or any part or parts of any unorganized township or townships to the municipality,

and any such order may amalgamate or annex a greater or smaller area or areas than the area or areas specified in the application, whether or not the municipality, municipalities, unorganized township or unorganized townships in which the area or areas is or are located is or are specified in the application. Rev. Stat., c. 266, s. 23, subs. 7 (1939, c. 30, s. 2), repealed.

(2) Subsection 7 of the said section 23, as enacted by section 2 of *The Municipal Amendment Act*, 1939, is repealed.

Rev. Stat., c. 266, s. 23, subs. 14 (1939, c. 30, s. 2), re-enacted. (3) Subsection 14 of the said section 23, as enacted by section 2 of *The Municipal Amendment Act*, 1939, is repealed and the following substituted therefor:

Amalgamation, annexation orders, when to come into force.

- (14) An amalgamation or annexation order shall not come into force until fourteen days after it is made and if during that period objection thereto is filed with the Municipal Board, the order shall not come into force.—
 - (a) until the objection is withdrawn, in which case the Municipal Board may name the day upon which the order came or will come into force; or
 - (b) until it is confirmed by special Act, in which case the Act shall name the day upon which it came or will come into force.

Rev. Stat., c. 266, ss. 44a, 44b, 44c, 44d (1943, c. 16, s. 1), re-enacted. 3.—(1) Section 44a as enacted by section 1 of The Municipal Amendment Act, 1943, and amended by section 8 of The Municipal Amendment Act, 1946, section 44b as enacted by section 1 of The Municipal Amendment Act, 1943, section 44c as enacted by section 1 of The Municipal Amendment Act, 1943, and amended by section 6 of The Municipal Amendment Act, 1944, and by section 9 of The Municipal Amendment Act, 1946, and section 44d of The Municipal Act, as enacted by section 1 of The Municipal Amendment Act, 1943, are repealed and the following substituted therefor:

Improvement Districts.

Improvement districts,—incorporation.

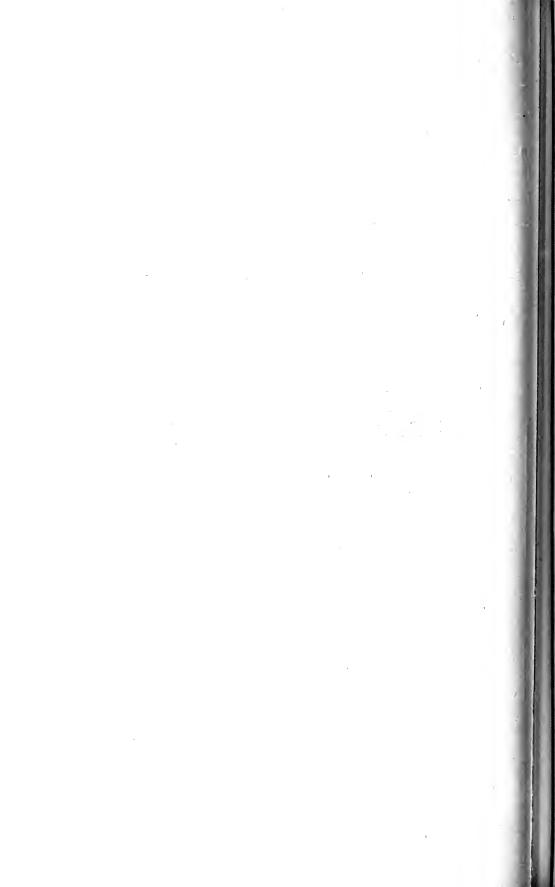
44a.—(1) The Municipal Board may, upon the application of the Department or not less than thirty male inhabitants of the locality each being a British subject of the full age of twenty-one years, incorporate as an improvement district the inhabitants of any locality having a population of not less than fifty.

Name, boundaries, etc. (2) The Municipal Board shall declare the name the improvement district shall bear in the style of "The Corporation of the Improvement District of ", and shall fix its boundaries and the date when the incorporation is to take effect and may provide for such other matters as may be necessary or expedient in connection with the incorporation and for the carrying on of the locality as an improvement district.

Subsection 2. The matters heretofore dealt with in subsection 7 are now to be found in subsection 1 (applications by Minister of Municipal Affairs). Subsection 7 is therefore superfluous and is repealed.

Subsection 3. Under the present section orders of amalgamation and annexation made by the Ontario Municipal Board must be confirmed by the Legislature before they become effective. This is considered to be unnecessary in cases in which the applicant is unopposed or in which the opposition is withdrawn.

SECTION 3—Subsection 1. All the provisions of the Act dealing with improvement districts are re-enacted in order to remove any doubts as to the status and nature of an improvement district. A new feature is that provision is made for the election of the members of the board of trustees.



- 44b. Every improvement district shall be subject to Part Rev. Stat., III of The Department of Municipal Affairs Act. Part III, to apply.
- 44c.—(1) Every improvement district shall be deemed to Nature and be for all purposes of every Act a township municipality, except that its powers instead of being exercised by a council shall be exercised by a Board of three trustees appointed and designated as chairman, vice-chairman and member by the Lieutenant-Governor in Council.
- (2) Two members of the board shall constitute a quorum. Quorum.
- (3) If a vacancy occurs on the board through death, ^{Vacancies}. resignation or otherwise, the vacancy may be filled and the members redesignated by the Lieutenant-Governor in Council.
- (4) The board, with respect to the improvement district, Board may shall function as such local boards within the meaning as local of The Department of Municipal Affairs Act as may from time to time be designated by the Municipal c. 59.

 Board, and when any such designation is made, the membership of the board with respect to the designated function shall be augmented by the representatives that may be appointed or elected to the local board with a similar function in a township and in such case a majority shall constitute a quorum.
- (5) The chairman of the board, with respect to the improvement district, shall have the powers and perform the duties of the reeve of a township and the chairman of any designated local board and when the locality erected into the improvement district forms part of a county for municipal purposes, he shall be a member of the county council.
- (6) The vice-chairman of the board, during the absence Viceof the chairman through illness or otherwise or if the office of chairman is vacant, shall have all the powers and perform the duties of the chairman.
- (7) The board shall appoint a secretary-treasurer who Secretary-may be a member of the board, who shall hold office during pleasure and, with respect to the improvement district, shall have the powers and perform the duties of the clerk, treasurer, assessor and collector of a township, and the secretary and treasurer of every designated local board.
- 44d.—(1) When an improvement district has been in Election of existence for more than three years, the board of trustees.

trustees may by by-law, passed with the assent of the resident ratepayers, provide for the election of the members of the board, in which case the provisions of this Act with respect to elections shall apply *mutatis mutandis*.

Chairman and vicechairman. (2) At the first meeting of the board after each election, the trustees shall elect one of themselves as chairman and another as vice-chairman.

Improvement districts heretofore erected. (2) The inhabitants of every improvement district heretofore erected shall be deemed to have been incorporated under section 44a of *The Municipal Act* as re-enacted by subsection 1 and its name to be varied in accordance therewith.

Rev. Stat., o. 266, s. 46, subs. 1, amended.

4.—(1) Subsection 1 of section 46 of *The Municipal Act*, as amended by section 10 of *The Municipal Amendment Act*, 1946, is further amended by striking out the words "Subject to subsection 7" at the commencement thereof, so that the said subsection, exclusive of the clauses, shall now read as follows:

Councils of cities, how composed.

(1) The council of a city shall be composed of a mayor, the members of the board of control, if the city has such a board, and

Rev. Stat., c. 266, s. 46, subs. 7, repealed.

(2) Subsection 7 of the said section 46 is repealed.

Rev. Stat., c. 266, s. 47, subs. 2, amended.

5. Subsection 2 of section 47 of *The Municipal Act* is amended by inserting after the word "councillors" in the third line the words ", or a mayor and seven councillors,", so that the said subsection shall now read as follows:

Councils of towns over 5,000.

(2) If the town has a population of not less than 5,000 the council may provide that the council shall be composed of a mayor and nine councillors, or a mayor and seven councillors, to be elected by general vote.

Rev. Stat., c. 266, s. 48, subs. 1; subs. 2 (1946, c. 60, s. 12, subs. 1), re-enacted.

6. Subsection 1 of section 48 of *The Municipal Act*, as amended by subsection 1 of section 3 of *The Municipal Amendment Act*, 1939, and subsection 2 of the said section 48, as reenacted by subsection 1 of section 12 of *The Municipal Amendment Act*, 1946, are repealed and the following substituted therefor:

Councils of towns of more than 5,000 in counties. (1) Where a town in a county has a population of more than 5,000 and less than five wards, the council shall be composed of a mayor, a reeve, a deputy reeve and three councillors for each ward, but if there are five

Subsection 2. This substantive provision will make the improvement districts now in existence uniform with those hereafter incorporated.

Section 4. The provisions repealed apply to the City of Toronto only. Hereafter they will be contained in the special legislation of the City of Toronto. No change in the law is effected by the transfer.

SECTION 5. This amendment will enable the larger towns in unorganized territory to have the council composed of a mayor and seven councillors. Under the present Act the choice is a mayor and nine councillors, a mayor and six councillors or a mayor and four councillors.

SECTION 6. Section 48 provides for the composition of the councils of towns in counties. These are divided into two groups based on population and again on whether or not the ward system is in effect. Subsection 1 establishes a general rule for all cases and subsection 2 provides for variations from the general rule.

SECTION 7. At the present time members of school boards in townships are entitled to run for council but cannot in the case of cities, towns and villages.

As amended, the clause will disqualify members of all boards of education and all school boards from running for council thus making the prohibition uniform in all classes of municipality.

Section 8. Municipalities which follow the general rule (i.e. nomination day on the last Monday in December and election day on the first Monday in January) must now hold the nomination meeting at the hall of the municipality at noon.

The new provisions are self-explanatory.

Section 9. The period that must elapse between nomination day and polling day is reduced from at least fourteen days to not less than seven days.

In subsection 2 provision is made for fixing different times for the nomination meeting for the respective offices, under which, for instance, the meeting to nominate candidates for the office of mayor may be held at noon and the meeting for aldermen in the evening, or whatever arrangement is desired.

or more wards the council shall be composed of a mayor, a reeve, a deputy reeve and two councillors for each ward.

- (2) Where the town has less than five wards, the council Alternate may provide that the council shall be composed of a mayor, a reeve, a deputy reeve and two councillors for each ward or that the council shall be composed of a mayor, a reeve, a deputy reeve and six councillors, or a mayor, a reeve, a deputy reeve and four councillors, to be elected by general vote, and where the town has five or more wards, the council may provide that the council shall be composed of a mayor, a reeve, a deputy reeve and one councillor for each ward.
- 7. Clause k of subsection 1 of section 53 of The Municipal Rev. Stat., Act, as amended by section 1 of The Municipal Amendment subs. 1, cl. k. Act, 1940, is further amended by striking out the words "or separate school board of a city, town or village, or a member of a high school board" in the first, second and third lines and inserting in lieu thereof the words "separate or high school board", so that the said clause shall now read as follows:
 - (k) a member of a board of education or of a public, separate or high school board, unless he has on or before the day of nomination filed his resignation with the secretary of the board.
- 8. Section 64 of *The Municipal Act*, as re-enacted by section Rev. Stat., 14 of *The Municipal Amendment Act*, 1946, is amended by (1946, c. 60, s. 14), adding thereto the following subsection:

(3) The council may by by-law passed not later in the Power to year than the 1st day of November fix the place and and hour time of the nomination meeting and when the election meeting tion is by general vote the by-law may fix different places and times for the nomination meeting for the respective offices and when the election is by wards the by-law may fix the place and the time in each ward for the nomination meeting thereof, and the by-law shall remain in force from year to year until repealed.

9. Subsections 1 and 2 of section 65 of *The Municipal Act*, Rev. Stat.. as re-enacted by section 14 of *The Municipal Amendment Act*, subss. 1. 2 (1946, are repealed and the following substituted therefor: c. 60, s. 14). re-enacted.

(1) The council may, not later in the year than the 1st Power to day of November, fix the day for the meeting of the nomination of candidates for council and for any local board or commission any members

of which are to be elected by ballot by the electors and the day for the polling, provided that the days so fixed occur during the period from the 15th day of November to the 1st day of January both inclusive, and are other than a Sunday or the 24th, 25th or 31st days of December, and that the day fixed for nominations is not less than seven days prior to the day fixed for polling, and the by-law shall remain in force from year to year until repealed.

Time and place of nomination meetings.

(2) The by-law shall fix the place and the time of the nomination meeting, and when the election is by general vote the by-law may fix different places and times for the nomination meeting for the respective offices, and when the election is by wards the by-law may fix the place and the time in each ward for the nomination meeting thereof.

Rev. Stat., c. 266, s. 68 (1946, c. 60, s. 14), re-enacted.

10. Section 68 of *The Municipal Act*, as re-enacted by section 14 of *The Municipal Amendment Act*, 1946, is repealed and the following substituted therefor:

Nomination meetings,—procedure.

68.—(1) The nomination meeting shall be called to order by the returning officer at the place and time called for in the notice mentioned in section 67 and the candidates for each office shall be proposed and recorded *seriatim*.

Nomination papers.

(2) Every nomination shall be in writing and state the name, residence and occupation of the candidate and shall be signed by the proposer and seconder, both of whom shall be municipal electors and present and shall be filed with the returning officer within an hour from the opening of the nomination meeting.

Effect of non-compliance with subs. 1, 2. (3) Failure to comply with subsection 1 or 2 shall not invalidate any nomination if it is received and acted upon by the returning officer without objection.

When proposed candidate absent.

(4) When a proposed candidate is not present, his nomination paper shall not be valid unless there is attached thereto evidence satisfactory to the returning officer that he consents to be so nominated.

Section 10. The section as re-enacted is self-explanatory. It is wider in scope and gives more detailed directions than the present section.

Section 11. The section as re-enacted is designed to make it clear that acclamations are not to be declared until after the time has elapsed for the filing of declarations of qualification, etc., under section 70. Acclamations cannot be declared any earlier because under subsection 3 of section 70 a person who has qualified may resign at any time during the period in which declarations of qualification, etc., may be filed.

Section 12. This section will cover the case of a qualified candidate dying before the close of the poll, formerly covered in section 72 of the Act.

- (5) The name, residence and occupation of every person Posting up nominated for the respective offices shall be posted dates' names, etc. up as the nomination papers are filed.
- (6) At the nomination meeting or before nine o'clock in Resignation the afternoon of the same day, a candidate may dates. resign in respect of one or more offices for which he is nominated by filing his resignation in writing with the returning officer and in default he shall be deemed to be nominated for the office for which he was first nominated.
- (7) When a candidate makes the filings mentioned in Qualificasubsection 1 of section 70 by filing the same with candidate. the returning officer at the nomination meeting or before nine o'clock in the afternoon of the same day, he shall be deemed to have resigned as candidate for all other offices for which he was nominated.
- (8) The returning officer shall not close the nomination Close of meeting until such business as he considers may meeting. properly be brought before it has been disposed of.
- (9) The treasurer or collector of the municipality holding Furnishing the nomination meeting shall be in attendance at ficates. his office, or such place as is designated by the council, at least one hour prior to the holding of the nomination meeting for the purpose of furnishing the certificates referred to in subsection 1 of section 70.
- 11. Section 71 of The Municipal Act, as re-enacted by Rev. Stat., section 14 of The Municipal Amendment Act, 1946, is repealed (1946, and the following substituted therefor:

 . c. 60, s. 14) re-enacted.
 - 71. If no more candidates qualify for any office than the Acciamanumber to be elected, the returning officer shall forthwith after the expiry of the time prescribed in section 70 declare the candidate or candidates duly elected.
- 12. The Municipal Act is amended by adding thereto the Rev. Stat., following section:
 - 73. If a candidate for any office dies after having qualified New election and before the close of the poll, the returning officer death of candidate. shall fix a new day for the nomination of candidates for such office and for polling, and the proceedings in such case shall, as nearly as practicable, be the same as for a new election.

Rev. Stat., c. 266, s. 79, subs. 1 (1946,amended.

13. Subsection 1 of section 79 of The Municipal Act, as re-enacted by section 15 of The Municipal Amendment Act, c. 60. s. 15). 1946, is amended by adding at the commencement thereof the words "Notwithstanding any general or special Act", so that the said subsection shall now read as follows:

Two-year terms.

(1) Notwithstanding any general or special Act, the council of a local municipality may by by-law passed with the assent of the electors extend the term of office of the members of the council to two years, and may with the like assent repeal such by-law.

Rev. Stat. c. 266, s. 80, amended.

14. Section 80 of *The Municipal Act* is amended by striking out the figure "7" in the first line and inserting in lieu thereof the figure "3", so that the said section shall now read as follows:

Election to be held in municipality.

80. Subject to subsection 3 of section 65 and to section 88, the election shall be held in the municipality.

Rev. Stat., c. 266, s. 113, subs. 1, cl. c, Municipal Act is repealed. **15.**—(1) Clause c of subsection 1 of section 113 of The

Rev. Stat. c. 266, s. 113, subs. 10, repealed; re-enacted.

(2) Subsections 10 and 11 of the said section 113 are repealed the the following substituted therefor:

Declaration cf railway employee or commercial traveller.

(11) Every railway employee or commercial traveller offering himself as a voter at the polling place, before being allowed to vote, shall be required by the deputy returning officer to make the following declaration, which shall be kept by the deputy returning officer with the other records of the poll:

I,(Nan	ne) (Address)
declare that	I am a
at present e	mployed by
and that I e	xpect in the course of my employment to be absent
from this m	unicipality on polling day, namely, the
day of	, 19
Dated at	this
day of	, 19
Witness:	Name of Voter.

Deputy Returning Officer.

Section 13. The words added will enable municipalities whose elections are now governed by special Acts to take advantage of this section if they so wish, in the same way as municipalities whose elections are governed by the general law.

Section 14. What was formerly subsection 7 of section 65 is now subsection 3 of section 65. The amendment corrects the reference.

Section 15. At the present time commercial travellers must be certificated members of certain commercial travellers' associations in order to vote at advance polls in municipal elections.

Under the section as amended, any commercial traveller may vote at an advance poll, provided his name is on the voters' list and he makes the required declaration. Section 16. Under the present section in the case of a tie vote the clerk must vote to break the tie before any recount proceedings are taken. Under the new section a recount is mandatory and if the result is still a tie, the clerk then has a casting vote.

Section 17. The present section, which dates from 1913, refers to "Master in chambers". This expression is no longer in use. The amendment substitutes "Master of the Supreme Court" to bring the amended sections into accord with *The Judicature Act*. No change in principle or in practice is intended.

Section 18. Complementary to section 17.

Section 19—Subsection 1. The present Act provides for holding the first meeting of the council on the day and at the hour fixed by by-law but not later than a stated day. As some councils fail to pass the by-law, the new provisions provide a stated day and hour, but allow an earlier day and hour to be fixed by by-law.

Subsections 2 and 3. The words deleted are no longer appropriate as the declarations of qualification are now filed not later than the day following the nomination meeting.

- **16.** Section 140 of *The Municipal Act* is repealed and the Rev. Stat., following substituted therefor:
 - 140.—(1) If, upon the casting up of the votes two or Provision more candidates have an equal number of votes vote.—
 where both or all of such candidates cannot be recount elected, the clerk shall publicly declare the result and put up in a conspicuous place a statement under his hand showing the number of votes for each candidate and shall forthwith notify the judge of the result and the judge shall thereupon appoint a time and place to recount the votes cast for such candidates.
 - (2) In such proceedings the provisions of sections 142 and Procedure. 143 shall apply mutatis mutandis.
 - (3) If the certificate of the result of the recount shows When clerk that the candidates still have an equal number of ing vote. votes, the clerk shall forthwith after receiving the certificate give a vote for one or more of the candidates so as to decide the election.
- **17.** Clause b of section 172 of *The Municipal Act* is repealed Rev. Stat., and the following substituted therefor: c. 266, s. 172, cl. b.re-enacted.
 - (b) "Master" shall mean Master of the Supreme Court, "Master". and shall include Assistant Master.
- **18.** Sections 173, 174, 177, 180, 181, 182, 184, 185, 188, Rev. Stat., 189, 191 and 192 of *The Municipal Act* are amended by striking Part IV. out the words "in chambers" wherever they occur in the said sections.
- 19.—(1) Subsections 1 and 2 of section 205 of *The Munici*-Rev. Stat., pal Act, as re-enacted by section 4 of *The Municipal Amend*-subs. 1. 2 ment Act, 1943, are repealed and the following substituted c. 16. s. 4), re-enacted.
 - (1) The first meeting of the council of a local munici- First meeting of pality shall be held on the second Monday in Janu-council.— ary at eleven o'clock in the forenoon or at such hour cipalities; as may be fixed by by-law, or on such day prior to the second Monday in January and at such hour as may be fixed by by-law.
 - (2) The first meeting of the council of a county shall be county. held on the third Tuesday in January at two o'clock in the afternoon or at such hour as may be fixed by by-law, or on such day prior to the third Tuesday

in January and at such hour as may be fixed by by-law.

Rev. Stat., c. 266, s. 205, subs. 3, amended.

(2) Subsection 3 of the said section 205 is amended by striking out the words "and qualification" in the second line. so that the said subsection shall now read as follows:

Declarations of office before business.

(3) No business shall be proceeded with at the first meeting until after the declarations of office have been made by all the members who present themselves for that purpose.

Rev. Stat. c. 266, s. 205, subs. 4, amended.

(3) Subsection 4 of the said section 205 is amended by striking out the words "and qualification" in the second and third lines, so that the said subsection shall now read as follows:

When council deemed organized.

(4) A council shall be deemed to be organized within the meaning of this Act when the declarations of office have been made by a majority of the members, and it may be organized and business may be proceeded with notwithstanding the failure of any of the other members to make such declarations.

Rev. Stat., c. 266, s. 233, re-enacted. **20**. Section 233 of *The Musi* re-enacted. following substituted therefor: **20**. Section 233 of *The Municipal Act* is repealed and the

Substitute for head of council as ex officio member of boards, etc.

233. The council of any municipality may by by-law, passed with the written consent of the head of the council, appoint a member of the council to act in the place of the head of the council on any board, commission or other body of which the head of the council is a member ex officio under any general or special Act, except a board of commissioners of police.

Rev. Stat., c. 266, s. 234, subs. 2 (1946, re-enacted.

21. Subsection 2 of section 234 of The Municipal Act, as re-enacted by section 25 of The Municipal Amendment Act, (1946, c. 60, s. 25), 1946, is repealed and the following substituted therefor:

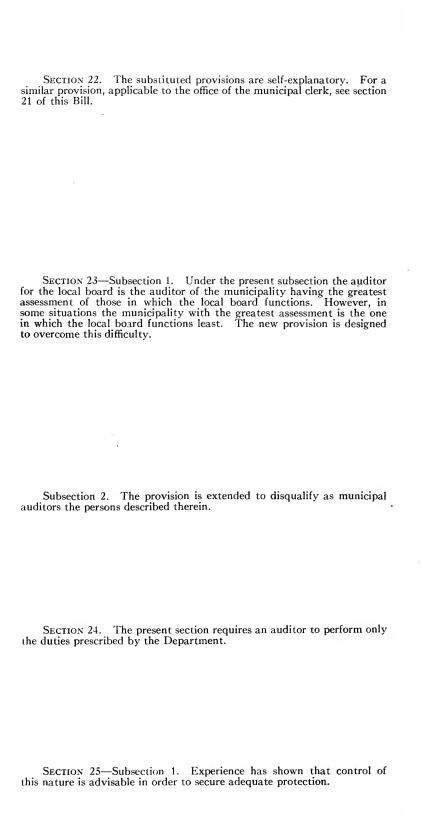
Deputy clerk.

(2) The council may appoint a deputy clerk who shall have all the powers and duties of the clerk under this and every other Act.

Acting clerk.

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties, through illness or otherwise, the council may appoint an acting clerk pro tempore who shall have all the powers and duties of the clerk under this and every other Act.

Section 20. The section, now applicable to local municipalities only, is extended to counties, as in many cases the warden is unable to attend meetings of boards, etc., of which he is a member ex officio. SECTION 21. The substituted provisions are self-explanatory. For a similar provision, applicable to the office of municipal treasurer see section 22 of this Bill.



- 22. Subsection 2 of section 238 of *The Municipal Act*, as Rev. Stat.. c. 266. s. 238. re-enacted by section 27 of *The Municipal Amendment Act*, subs. (1946, 1946, is repealed and the following substituted therefor: c. 60, s. 27). re-enacted.
 - (2) The council may appoint a deputy treasurer who Deputy shall have all the powers and duties of the treasurer treasurer, under this and every other Act.
 - (3) When the office of treasurer is vacant or the treasurer Acting is unable to carry on his duties through illness or treasurer. otherwise, the council may appoint an acting treasurer pro tempore who shall have all the powers and duties of the treasurer under this and every other Act.
- - (1a) Where a local board functions in more than one Where local municipality, the accounts and transactions thereof board in more than shall be audited by an auditor of the municipality one municipality one municipality one municipality one municipality one municipality. In which the local board functions most, and in the event of disagreement as to the proper auditor the matter upon application may be determined by the Department.
- (2) Subsection 2 of the said section 248 is repealed and the Rev. Stat., c. 266, s. 248, subs. 2, re-enacted.
 - (2) No person shall be appointed an auditor who is or Disqualifications was during the preceding year a member of a munition for cipal council or a local board or who has or had auditor. during the preceding year any direct or indirect interest in any contract with a municipality or a local board or any employment with any of them other than as an auditor.
- 24. Section 249 of *The Municipal Act*, as re-enacted by Rev. Stat., section 18 of *The Municipal Amendment Act*, 1944, is repealed (1944, and the following substituted therefor:

 """ c. 39, s. 18), re-enacted.
 - 249. An auditor shall perform such duties as are pre-Duties of scribed by the Department and also such duties as may be required by the council or any local board that do not conflict with the duties prescribed by the Department.
- **25**.—(1) Subsection 2 of section 257 of *The Municipal Act* Rev. Stat., is amended by adding at the end thereof the words "and shall subs. 2, be in such form and on such terms as the Department may approve", so that the said subsection shall now read as follows:

Nature of security.

Rev. Stat., c. 263. (2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company within the meaning of *The Guarantee Companies Securities Act* and shall be in such form and on such terms as the Department may approve.

Rev. Stat., c. 266, s. 257, subsection 4 of the said section 257 is repealed and the subs. 4, re-enacted. following substituted therefor:

Inspection and return as to security.

(4) The council shall forthwith after the production thereof direct where and with whom the bonds, policies
and guarantee contracts given under this section
shall be deposited for safe keeping and where the
same shall be available for inspection by the auditor
and the auditor shall in his annual report to the
Department include such information with respect
to the same as may be required by the Department.

Rev. Stat., c. 266, s. 303, re-enacted. **26**. Section 303 of *The Municipal Act* is repealed and the following substituted therefor:

Time for making application to quash.

303. An application to quash, in whole or in part, a by-law, except a money by-law registered under section 314, shall not be entertained unless made within one year after the passing of the by-law, but if the by-law required the assent of the electors and was not submitted for or did not receive such assent, the application may be made at any time.

Rev. Stat., c. 266, s. 307, subs. 2, amended.

27.—(1) Subsection 2 of section 307 of *The Municipal Act* is amended by inserting after the word "insurance" in the first and second lines the words "or enters into an arrangement to provide pensions under paragraph 41a of section 404 or grants a retiring allowance under section 265", so that the said subsection shall now read as follows:

Premium note, pensions, retiring allowance.

(2) Where a corporation gives a premium note for fire insurance or enters into an arrangement to provide pensions under paragraph 41a of section 404 or grants a retiring allowance under section 265, it shall not be deemed to be incurring a debt, the payment of which is not provided for in the estimates for the current year, as provided by subsection 1.

Retrospective effect.

(2) Subsection 1 shall be deemed to have come into effect on the 26th day of June, 1939.

Rev. Stat. c. 266, s. 307, (3) Clause aa of subsection 3 of the said section 307, as subs. 3, cl. aa re-enacted by section 39 of *The Municipal Amendment Act*, (1946, o. 60, s. 39), 1946, is amended by striking out the words, figures and letter amended.

Subsection 2. Under the present provision the annual return is made to the Department by the council. Under the new provision it is to be made by the auditor as part of his usual annual return, thus simplifying the procedures.

Section 26. The section is re-enacted in order to clarify its meaning and to delete the reference to promulgation of money by-laws, as notice of registration of money by-laws is no longer required to be published under section 314. See also section 28 of this Bill.

Section 27—Subsection 1. The effect of the added words is that when a municipality enters into an arrangement to provide pensions for employees under paragraph 41a of section 404 or grants a retiring allowance under section 265 and thereby incurs a debt that is not to be met out of current revenues, such debt may be incurred without the assent of the electors.

Subsection 2. The amendment is retroactive in effect in order to correspond with the coming into force of the pensions provisions of the Act (s. 404, par. 41a).

Subsection 3. When borrowing money for any of the purposes of the named paragraphs, the assent of the electors is not required. The reference deleted, section 404a, is the section under which grants for patriotic purposes may be made. Under subsection 3 of section 275 no debentures can be issued to finance patriotic grants. The reference is wrong and is therefore deleted.

Section 28. The words deleted are no longer apt as notice of registration of money by-laws is no longer required to be published. See also section 26 of this Bill.

Section 29. The words added are designed to ensure that the earnings from reserve fund moneys will go into the reserve fund and not elsewhere.

"or section 404a" in the second and third lines, so that the said clause shall now read as follows:

- (aa) for borrowing money for any of the purposes mentioned in paragraph 28, 30 or 41a of section 404, or in paragraph 1, 1a or 2 of section 414; or
- **28.**—(1) Subsection 5 of section 314 of *The Municipal Act* Rev. Stat., is amended by striking out the words "or where publication subs. 5, of the notice provided for by subsection 3 is required within three months after the first publication of the notice" in the eighth, ninth and tenth lines, so that the said subsection shall now read as follows:
 - (5) Every by-law registered in accordance with the pro-Time for visions of subsection 1, or before the sale or other plication to disposition of the debentures issued under it, and quash registered the debentures shall be valid and binding, according by-law. to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws to which subsection 4 applies, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought is registered in such registry office within such period of three months, or one month, as the case may be.
- (2) Subsection 10 of the said section 314 is amended by Rev. Stat., striking out the words "or to publish notice of the registration subs. 10, of a by-law" in the first and second lines, so that the said sub-amended section shall now read as follows:
 - (10) Failure to register a by-law, as prescribed by this Failure to section, shall not invalidate it.
- **29.** Subsection 2 of section 316a of *The Municipal Act*, as Rev. Stat., enacted by section 6 of *The Municipal Amendment Act*, 1943, s. 316a, is amended by adding at the end thereof the words "and the subs. 2 earnings derived from the investment of such moneys shall c. 16, s. 6). form part of the reserve fund", so that the said subsection shall now read as follows:
 - (2) The moneys raised for a reserve fund established Investment under subsection 1 shall be paid into a special ac-fund count and may with the approval of the Depart-moneys.

 ment be invested in such securities as a trustee may

Rev. Stat., c. 165.

invest in under The Trustee Act, or be paid to the Treasurer of Ontario in which case the provisions of sections 328 and 329 shall mutatis mutandis apply. and the earnings derived from the investment of such moneys shall form part of the reserve fund.

Rev. Stat., c. 266. amended.

30. The Municipal Act is amended by adding thereto the following section:

Tenders for debentures.

338b. When a municipal corporation intends to borrow money on debentures under this or any other Act, the council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Rev. Stat., c. 266, s. 404, par. 16 (1946, c. 60, s. 48, subs. 2), amended.

31.—(1) Paragraph 16 of section 404 of The Municipal Act, as re-enacted by subsection 2 of section 48 of The Municipal Amendment Act, 1946, is amended by striking out the words "as may be deemed expedient" in the fifth and sixth lines and inserting in lieu thereof the words "based on cost as may be agreed upon or failing agreement as may be determined by the Municipal Board", so that the said paragraph shall now read as follows:

Fire protection agreements.

pality or person for the use of the fire-fighting equipment, or any of it, of the municipality or of such other municipality or person upon such terms and conditions and for such consideration based on cost as may be agreed upon or failing agreement as may be determined by the Municipal Board, provided that notwithstanding the provisions of any such agreement no liability shall accrue to the municipality or person for failing to supply the use of the

16. For entering into agreement with any other munici-

Proviso.

par 41a, cl. a, subcl. i

Rev. Stat., c. 266, s. 404, (2) Subclause i of clause a of paragraph 41a of the said section 404, as enacted by subsection 2 of section 23 of The Municipal Amendment Act, 1939, and amended by subsection (1939, c. 30, s. 23, subs. 2), 6 of section 36 of The Municipal Amendment Act, 1944, is repealed and the following substituted therefor:

fire-fighting equipment, or any of it.

re-enacted. "Employee".

(i) "Employee" shall mean any salaried officer, clerk, workman, servant or other person in the employ of the municipality or of a local board and shall include any person designated as an employee by the Minister.

32.—(1) Section 405 of *The Municipal Act* is amended by Rev. Stat... 32.—(1) Section 405 of *The Municipe* adding thereto the following paragraphs:

Section 30. This provision is new. It is permissive. It will enable municipalities to borrow a fixed sum of money for a fixed period of time at such rate of interest as may be agreed upon between the lender and the municipality, thus assuring that the debentures will be sold at par, and consequently assuring that the municipality will receive the amount of money required, and no more.

Section 31. Agreements for the use of fire-fighting equipment are sometimes difficult to negotiate owing to the inability of the parties to agree as to the cost of the services to be supplied. It is felt that if the parties can refer the matter to the Municipal Board that it will facilitate the making of such agreements on a fair basis.

For a similar amendment applicable to defined areas of townships, see section 39 of this Bill, and to police villages, see section 49 of this Bill.

Subsection 2. Paragraph 41a deals with pensions for employees of municipalities and local boards. The word "employee" as used in this paragraph is redefined. As redefined it is widened by deleting the words which excluded persons under *The Teachers' and Inspectors' Superannuation Act* or *The Power Commission Insurance Act*.

Section 32—Subsection 1. Paragraph 30a, applicable to cities, towns, villages and townships, is new. The subject matter was heretofore dealt with in paragraph 16 of section 407 (cities, towns and villages) and paragraph 2 of section 425 (townships), each of which limited the cost of firehall site, fire hall and fire-fighting equipment to \$20,000. This limit is removed as all capital expenditures must now be approved by the Municipal Board.

The old paragraphs are repealed.

Paragraph 39a is now applicable to cities, towns and villages only (s. 407, par. 3a). By transferring it to section 405 it is made applicable to townships as well. The paragraph is re-worded in more specific language.

Paragraph 40a was formerly section 414, par. 4, of the Act, applicable only to cities and towns. Hereafter it will be applicable to cities, towns, villages and townships. Clauses a and b are new and are self-explanatory.

The provisions of paragraph 47a are self-explanatory. It is needed because the case of Tavener v. Village of Port Stanley, 1945, O.R. 718, held that municipalities have no power to pass by-laws giving permission to construct pipe-lines for conveying oil and gasoline along or under the streets of the municipality. The paragraph now enacted will confer the necessary power.

Fire halls, Fire-fighting Equipment.

30a. For acquiring land and erecting thereon a fire hall Fire halls, and for purchasing and installing fire engines, equipment. apparatus and appliances for fire-fighting and fire protection, and for issuing debentures therefor without the assent of the electors.

Heating and Cooking Equipment.

39a. For regulating, controlling and inspecting heating Heating and cooking appliances, or any classes thereof, the equipment installation thereof and the storage of fuel for use in connection therewith.

Lodging-houses.

- 40a. For licensing, regulating and governing lodging-Lodging-houses, and the keepers of lodging-houses, and for revoking any such licence.
 - (a) Lodging-house shall mean any house or other building or portion thereof in which persons are harboured, received, or lodged for hire but shall not include an hotel, hospital, home for the young or the aged or institution, provided the hotel, hospital, home or institution is licensed, approved or supervised under any general or special Act.
 - (b) A by-law passed under this section may provide for the licensing, regulating and governing of any class or classes of lodging-houses or lodging-house keepers, and may provide for the issue and revocation of licenses by the local board of health and for prohibiting the use of premises licensed under the by-law except for the purposes for which the license was issued and may fix the license fee for any class or classes of lodging-houses in accordance with a scale for each class or the number of inmates permitted in the lodging-house.
- 47a. Notwithstanding any other Act, for laying, or Laying of maintaining, or for authorizing any person to lay, oil, etc. use or maintain pipes or conduits for transmitting gasoline, oil, anti-freeze, brine or other similar products along, under, in or upon highways or land owned by the municipality; and for making such annual or other charge for the privilege conferred as the council may deem reasonable; and for entering into agreements with persons for the use by them of

such pipes or conduits on such terms and conditions as may be agreed upon.

(a) Such annual or other charge and any expense incurred by the corporation in restoring the highway to its former condition shall be payable and payment may be enforced in like manner as taxes.

Telephone booths.

47b. For authorizing the erection of public telephone booths upon the highways or lands of the municipality upon such terms and conditions as may be agreed upon; and for making such annual or other charge for the privilege conferred as the council may deem reasonable.

Rev. Stat., c. 266, s. 405, par. 69 (1944, c. 39, s. 38, subs. 3), repealed.

(2) Paragraph 69 of the said section 405, as enacted by subsection 3 of section 38 of The Municipal Amendment Act, 1944, is repealed.

Rev. Stat., c. 266, s. 407, par. 3a (1946, c. 60, s. 51, subs. 1), repealed.

33.—(1) Paragraph 3a of section 407 of The Municipal Act, as enacted by subsection 1 of section 51 of The Municipal Amendment Act, 1946, is repealed.

Rev. Stat., c. 266, s. 407, par. 14, repealed.

(2) Paragraph 14 of the said section 407 is repealed.

Rev. Stat c. 266, s. 407, par. 16, repealed.

(3) Paragraph 16 of the said section 407 is repealed.

amended.

34.—(1) Paragraph 10 of section 408 of *The Municipal Act* c. 266, s. 408, is amended by striking out all the words after the word par. 10. "machines" in the second line, so that the said paragraph shall now read as follows:

Fees.

10. For imposing, levying and collecting fees for the use of such weighing machines.

Rev. Stat., c. 266, s. 408, par. 11, cl. d, repealed. (2) Clause d of paragraph 11 of the said section 408 is repealed.

Rev. Stat c. 266, s. 408, par. 12. amended.

- (3) Clause iv of paragraph 12 of the said section 408 is amended by striking out all the words after the word "imposed" in the first line, so that the said clause shall now read as follows:
 - (iv) to pay such fee for measuring as may be imposed.

Rev. Stat. c. 266, s. 409, subss. 7, 8, repealed.

35. Subsections 7 and 8 of section 409 of *The Municipal* Act are repealed.

Rev. Stat. c. 266, s. 414, repealed.

36. Paragraph 4 of section 414 of The Municipal Act, as amended by section 40 of The Municipal Amendment Act, 1944, is repealed.

The provisions of paragraph 47b are self-explanatory.

Subsection 2. This paragraph, which authorizes local municipalities to give bounties for the destruction of foxes, is repealed as the matter is now provided for in paragraph 17a of section 404, applicable to all municipalities. See 1946, c. 60, s. 48 (1).

Section 33—Subsection 1. This paragraph, which enables cities, towns and villages to regulate, control and inspect the installation of heating equipment is transferred to section 405 of the Act in order that it may apply also to townships. See section 32 (1) of this Bill.

Subsection 2. The paragraph repealed enabled cities, towns and villages to pass by-laws "for providing that the reels, engines and vehicles of the fire department shall have the right of way on the streets and highways while proceeding to a fire or answering a fire alarm call". The Highway Traffic Act will now apply.

Subsection 3. This paragraph, which authorizes cities, towns and villages to purchase fire-hall sites and fire-fighting equipment, and the corresponding paragraph (s. 425.2) applicable to townships are repealed and re-enacted as a paragraph in section 405, applicable to all local municipalities. As the Municipal Board must approve all capital expenditures the present limit of \$20,000 is removed.

Section 34. These provisions are very old. They fix limits on the fees that may be charged for the use of weigh scales and for measuring firewood before sale upon the market. The fees that may be charged within these limits are now inadequate for the services rendered. These amendments delete the limits so as to leave the fixing of the fees to the council.

Section 35. These provisions are very old. They fix limits on market fees and for weighing articles. The fees that may be charged within these limits are inadequate for the services rendered. Hereafter such fees may be fixed by council, as the repeal of these subsections deletes the provisions containing the limits.

SECTION 36. The paragraph repealed enables cities and towns to license, regulate and govern lodging houses and lodging-house keepers. It is being transferred to section 405 of the Act where it will be applicable to cities, towns, villages and townships. See section 32 (1) of this Bill.

Section 37. This section, applicable to towns and villages, authorizes the licensing, etc., of teamsters, cab drivers, motor and other hire vehicles, livery stable keepers and keepers of hire-vehicles and also the regulating of charges and fares for conveying goods and passengers. A new paragraph, applicable to cities, towns, villages and townships covering these matters is enacted by section 41 of this Bill.

Section 38. Paragraph 4 repealed, applicable to towns, villages and townships, authorized the licensing of teamsters, cab drivers, cab owners and motor and other hire-vehicles. It also enabled fares and charges for the conveyance of passengers and goods within the municipality to be established. A new paragraph, applicable to cities, towns, villages and townships, covering these matters is enacted by section 41 of this Bill.

Paragraph 8 repealed enabled towns, villages and townships to pass by-laws "for providing that the reels, engines and vehicles of the fire department shall have the right of way on the streets and highways while proceeding to a fire or answering a fire alarm call". The matter is now covered in The Highway Traffic Act.

Section 39—Subsection 1. This paragraph, which authorizes townships to purchase fire-hall sites and fire-fighting equipment and the corresponding provision (s. 407, par. 16) applicable to cities, towns and villages are repealed and re-enacted as a paragraph in section 405, applicable to all local municipalities. As the Municipal Board must approve all capital expenditures the present limit of \$20,000 is removed. See section 32 (1) of this Bill.

Subsection 2. This paragraph, applicable to defined areas of townships, is re-enacted in order to bring it into line with the general provisions on the same subject, namely, paragraph 16 of section 404. See section 31 (1) of this Bill.

Subsection 3. Paragraph 2 of section 407 enables a city, town or village which constructs or purchases a gas works, hydro plant, water works, sewerage works, sewage disposal plant or street railway to extend, improve or complete such works. The new paragraph gives similar power to a township in respect of the township or any defined area thereof.

Section 40. This amendment will enable villages to pass by-laws for constructing and maintaining lavatories and the like in the same way as may now be done in the case of cities and towns (s. 414, par. 5). Townships now have similar powers (s. 425, par. 17).

37. Section 416 of The Municipal Act is repealed.

Rev. Stat., c. 266, s. 416, repealed.

- **38**. Paragraph 4, as amended by subsection 2 of section 17 Rev. Stat., of *The Municipal Amendment Act*, 1941, and paragraph 8 of pars. 4.8. section 423 of *The Municipal Act* are repealed.
- . 39.—(1) Paragraph 2 of section 425 of The Municipal Act, Rev. Stat., as amended by subsection 2 of section 55 of The Municipal par. 2, repealed.

 Amendment Act, 1946, is repealed.
- (2) Paragraph 4 of the said section 425, as amended by Rev. Stat., subsection 3 of section 55 of *The Municipal Amendment Act*, par. 4, 1946, is repealed and the following substituted therefor:

 1946, is repealed.
 - 4. For entering into agreement with any other munici-Area fire-protection pality or person upon such terms and conditions agreements. and for such consideration based on cost as may be agreed upon or failing agreement as may be determined by the Municipal Board for the use of the fire-fighting equipment of such municipality or person, or any of it, in the event of fire in any defined area of the township, and for levying a special annual rate on all the rateable property in such area to defray the expenses incurred under and incidental to the agreement, provided that notwithstanding the provisions of any such agreement no liability shall accrue to the municipality or person for failing to supply the use of the fire-fighting equipment, or any of it.
- (3) The said section 425 is further amended by adding Rev. Stat... thereto the following paragraph:

 amended.
 - 18. For exercising in respect of the township or any Extension defined area thereof the powers conferred on the councils of urban municipalities by paragraph 2 of section 407, in which case the said paragraph shall apply mutatis mutandis to the township or any defined area thereof.
- 40. Paragraph 1 of section 427 of The Municipal Act, as Rev. Stat., re-enacted by section 16 of The Municipal Amendment Act, par. 1 (1943, 1943, is amended by inserting after the figure and letter c. 16, s. 16). "2a" in the second line the word and figure "and 5", so that the said paragraph shall now read as follows:
 - 1. For exercising the powers conferred on cities and Garbage, ashes, lavatowns by paragraphs 1 to 2a and 5 of section 414.

Rev. Stat., c. 266, amended.

- **41**. The Municipal Act is amended by adding thereto the following section:
 - 428. By-laws may be passed by the councils of towns, villages and townships and by boards of commissioners of police in cities:

Teamsters, cab owners, cab drivers, vehicles for hire, etc. 1. For licensing, regulating and governing teamsters, carters, draymen, owners and drivers of cabs, motor or other vehicles for hire; for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within the municipality or to any point not more than three miles beyond its limits, and providing for the collection of such rates or fares; and for revoking any such license.

Livery stables. 2. For licensing, regulating and governing keepers of livery stables and of horses.

Rev. Stat.. c. 266, s. 433, par. 1, amended. 433 of *The Municipal Act* are repealed and the following substituted therefor:

Licensing, etc., salesmen.

1. For licensing, regulating and governing persons who go from place to place or to a particular place with goods, wares or merchandise for sale, or who carry and expose samples, patterns or specimens of any goods, wares or merchandise which is to be delivered in the municipality afterwards.

Rev. Stat., c. 266, s. 433, par. 1, cl. a, and the following substituted therefor: re-enacted. (2) Clause a of paragraph 1 of the said section 433 is repealed therefor:

When license not required.

- (a) No such license shall be required for hawking, peddling or selling goods, wares or merchandise,
 - (i) to wholesale or retail dealers in similar goods, wares or merchandise, or
 - (ii) if the goods, wares or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or his agent or employee having written authority so to do, in the municipality in which the grower, producer or manufacturer resides, or

SECTION 41. The matters dealt with in this new section are now to be found in section 416 of the Act applicable to towns and villages in section 423.4, applicable to towns, villages and townships and in section 441.1, applicable to cities. These provisions, although they deal with the same things, are not uniform and in some instances are conflicting. They are therefore repealed by sections 37, 38 and 44 of this Bill and this section substituted, which will be applicable to cities, towns, villages and townships. Similar powers of counties (417.5) are not altered.

Section 42. The paragraph amended provides for licensing, regulating and governing hawkers and pedlars. Its provisions are clarified.

Section 43—Subsection 1. Heretofore this paragraph appeared in section 442 of the Act where it was not applicable to townships. Hereafter in its new position the paragraph will be applicable to townships as well as cities, towns and villages. See section 45 of this Bill.

Subsection 2. Under the present clause the sum paid for a transient trader's license is credited to the person paying it on account of taxes thereafter payable by him. There is no time limit, and so no finality to the matter.

Under the new clause a reasonable time limit is provided and the case of a sale of the business is also covered. It is also made clear that the credit applies only to taxes payable in respect of the business, and not all taxes payable by the licensee.

Section 44. This paragraph, applicable to cities, authorizes the licensing of teamsters, cab owners, cab drivers, etc. It also enabled rates or fares to be established for the conveyance of passengers and goods. A new paragraph, applicable to cities, towns, villages and townships, covering these matters is enacted by section 41 of this Bill.

Section 45. This section, which deals with licensing, regulating and governing dealers in coal or coke is not applicable to townships. It is therefore transferred to section 439 where it will apply to townships as well as cities, towns and villages. See section 43 (1) of this Bill.

Section 46. Under the present section cities having a population from 100,000 to 200,000 may pay aldermen annual allowances up to \$500 (\$100 additional for each chairman of a standing committee, the chairman of the court of revision and the chairman of the local board of health). Under the section as amended such cities may pay such annual allowances as may be approved by the Department of Municipal Affairs, in the same manner as is now done in all other municipalities, except Toronto.

Section 47. The words deleted fix a maximum term of ten years for the debentures of a township for money borrowed for the purposes of a police village. This maximum term is struck out, leaving the term open as in any event it must be approved by the Ontario Municipal Board.

- (iii) if the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of his own farm.
- (3) Clause e of paragraph 1 of the said section 433 is Rev. Stat., c. 266, s. 433, repealed.
- **43.**—(1) Section 439 of *The Municipal Act* is amended Rev. Stat., by adding thereto the following paragraph:

Coal and Coke Dealers.

- 1a. For licensing, regulating and governing dealers in Licensing, etc., coal coal or coke and for revoking or suspending the and coke dealers.
 - (a) The fee for such license shall not exceed \$5 per year.
 - (b) A by-law passed under this paragraph shall include dealers in coal or coke who by themselves or their employees, agents, canvassers or solicitors take orders for or deliver coal or coke within the municipality.
- (2) Clause f of paragraph 6 of the said section 439 is Rev. Stat., c. 266, s. 439, repealed and the following substituted therefor: par 6, cl. f, re-enacted.
 - (f) The sum paid for a license shall be credited to the Credit of person paying it, or to any bona fide purchaser of the business who carries on the same on account of taxes payable in respect of the business during the year in which the license was issued and five years thereafter.
- **44.** Paragraph 1 of section 441 of *The Municipal Act* is Rev. Stat., c. 266, s. 441, par. 1, repealed.
- **45**. Section 442 of *The Municipal Act*, as amended by Rev. Stat., section 13 of *The Municipal Amendment Act*, 1938, and sec-repealed. tion 60 of *The Municipal Amendment Act*, 1946, is repealed.
- **46.** Clause b of subsection 1 of section 445 of The Municipal Rev. Stat., Act, as re-enacted by section 46 of The Municipal Amendment subs. 1, cl. b (1944, c. 39, s. 46), repealed.
- **47**. Subsection 1 of section 540 of *The Municipal Act* is Rev. Stat., amended by striking out the words "payable on the instal-subs. 1, ment plan, at such time within ten years and in such manner as the trustees may request" at the end thereof.

Rev. Stat., c. 266, s. 541, subs. 1, amended.

48.—(1) Subsection 1 of section 541 of *The Municipal Act* is amended by striking out all the words after the word "protection" in the fourth line, so that the said subsection shall now read as follows:

Purchase of fire engines and appliances with consent of township council.

(1) The trustees may, with the consent of the council of the township in which the village is situate expressed by by-law or resolution, purchase fire engines and appliances for fire protection.

Rev. Stat., c. 266, s. 541, subs. 2, amended.

(2) Subsection 2 of the said section 541 is amended by striking out all the words after the word "township" in the fourth line, so that the said subsection shall now read as follows:

Township to pass debenture by-law.

(2) Upon the purchase being made, the council of the township shall pass a by-law for raising the amount of the purchase money by the issue of debentures of the corporation of the township.

Rev. Stat., c. 266, s. 542, re-enacted. following substituted therefor:

Fireprotection agreements.

542. The trustees may enter into agreement with any municipality for the use of the fire-fighting equipment, or any of it, of the village upon such terms and conditions and for such consideration based on cost as may be agreed upon or failing agreement as may be determined by the Municipal Board, provided that notwithstanding the provisions of any such agreement no liability shall accrue to the trustees for failing to supply the use of the fire-fighting equipment, or any of it.

Proviso.

- Rev. Stat., c. 266, s. 543, subs. 3, cl. b, Act is amended by striking out the words "on the instalment plan, payable within ten years" in the second and third lines, so that the said clause shall now read as follows:
 - (b) such money be raised by the issue of debentures of the corporation of the township.

Commencement of Act. This Act shall come into force on the 1st day of June, 1947.

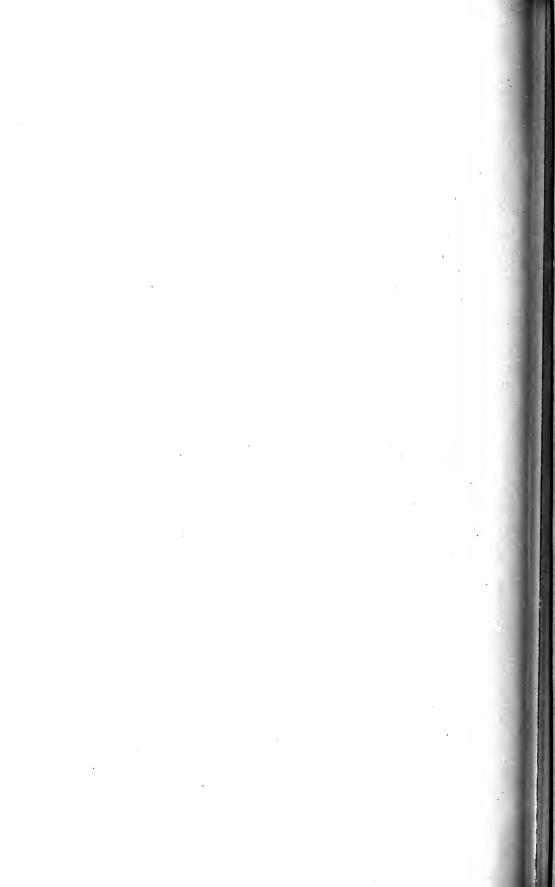
Short title. **52**. This Act may be cited as The Municipal Amendment Act, 1947.

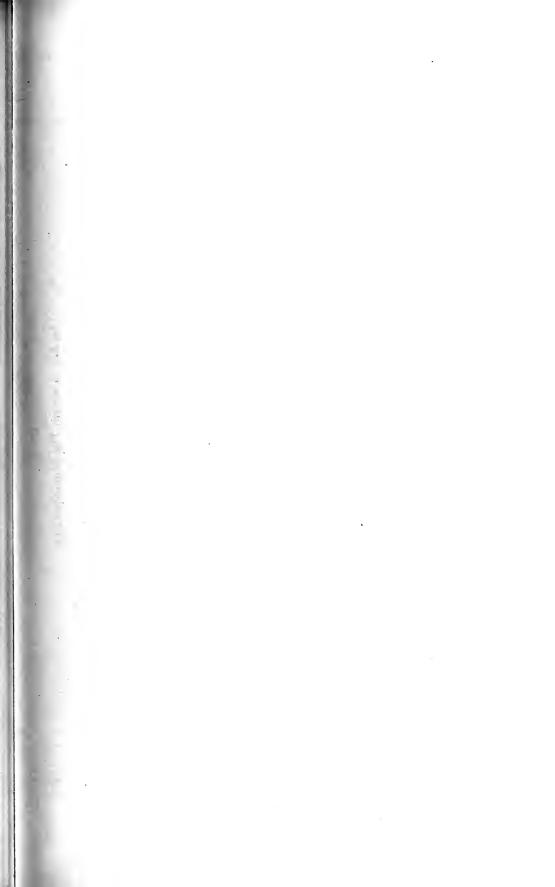
SECTION 48—Subsection 1. This section, under which the trustees of a police village may, with the consent of the council of the township in which the village is situate, purchase fire-fighting equipment, limits the cost thereof to \$3,000 and requires payment to be made within ten years. The amendment deletes the maximum cost and the maximum period of repayment.

Subsection 2. Complementary to subsection 1.

Section 49. This section, applicable to police villages, is re-enacted in order to bring it into line with the general provisions on the subject, namely, paragraph 16 of section 404. See section 31 (1) of this Bill. For a similar provision, applicable to defined areas of townships, see section 39 (1) of this Bill.

Section 50. The clause now provides a maximum term of ten years for the debentures of a township issued to furnish money for acquiring lands for public parks, etc., in a police village situate in the township. The maximum time is deleted as in all cases the term must be approved by the Ontario Municipal Board and the present limit of ten years may be unduly restrictive.





BILL

An Act to amend The Municipal Act.

1st Reading

March 24th, 1947

2nd Reading

3rd Reading

Mr. Dunbar

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Municipal Act.

Mr. Dunbar

(Reprinted as amended by the Committee on Municipal Law.)

TORONTO

PRINTED AND PUBLISHED BY H. E. BROWN
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EXPLANATORY NOTES

SECTION 1. Section 16 provides for the annexation of land to a village. Section 17 provides for the annexation of land to a township municipality in unorganized territory, for the amalgamation of two or more adjacent townships in unorganized territory into one township municipality and for the annexation of land to a city or town in unorganized territory. Hereafter all such matters will be dealt with under section 23. See section 2 of this Bill.

Section 2—Subsection 1. As re-enacted, section 23 will cover the matters heretofore done under sections 16 and 17, which are repealed by section 1 of this Bill.

The result is that all amalgamation and annexation provisions applicable to municipalities will be contained in the one section in simplified form.

No. 104 ·

1947

BILL

An Act to amend The Municipal Act.

IS MAJESTY, by and with the advice and consent of L the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat ..

1. Sections 16 and 17 of *The Municipal Act* are repealed.

Rev. Stat., 22.—(1) Subsection 1 of section 23 of The Municipal Act, c. 266, s. 23, subs. 1 as re-enacted by section 2 of *The Municipal Amendment Act*, (1939, c. 30, s. 2), 1939, is repealed and the following substituted therefor: re-enacted. 1939, is repealed and the following substituted therefor:

- 23.—(1) Upon the application of any municipality au-Amalgamathorized by by-law of the council thereof or upon annexations. the application of the Minister of Municipal Affairs authorized by the Lieutenant-Governor in Council, or in respect of clause d upon the application of at least twenty-five male inhabitants, being British subjects of the full age of twenty-one years, the Municipal Board may by order on such terms as it may deem expedient,
 - (a) amalgamate the municipality with any other municipality or municipalities;
 - (b) annex the whole or any part or parts of the municipality to any other municipality or municipalities;
 - (c) annex the whole or any part or parts of any other municipality or municipalities to the municipality; or
 - (d) annex the whole or any part or parts of any unorganized township or townships to the municipality,

and any such order may amalgamate or annex a greater or smaller area or areas than the area or areas specified in the application, whether or not the municipality, municipalities, unorganized township or unorganized townships in which the area or areas is or are located is or are specified in the application.

Rev. Stat., c. 266, s. 23, subs. 7 (1939, c. 30, s. 2), repealed.

(2) Subsection 7 of the said section 23, as enacted by section 2 of *The Municipal Amendment Act*, 1939, is repealed.

Rev. Stat., c. 266, s. 23, subs. 14 (1939, c. 30, s. 2), re-enacted.

(3) Subsection 14 of the said section 23, as enacted by section 2 of *The Municipal Amendment Act*, 1939, is repealed and the following substituted therefor:

Amalgamation, annexation orders,—when to come into force.

- (14) An amalgamation or annexation order shall not come into force until fourteen days after it is made and if during that period objection thereto is filed with the Municipal Board, the order shall not come into force.—
 - (a) until the objection is withdrawn, in which case the Municipal Board may name the day upon which the order came or will come into force; or
 - (b) until it is confirmed by special Act, in which case the Act shall name the day upon which it came or will come into force.

Rev. Stat., c. 266, ss. 44a, 44b, 44c, 44d (1943, c. 16, s. 1), re-enacted.

3.—(1) Section 44a as enacted by section 1 of The Municipal Amendment Act, 1943, and amended by section 8 of The Municipal Amendment Act, 1946, section 44b as enacted by section 1 of The Municipal Amendment Act, 1943, section 44c as enacted by section 1 of The Municipal Amendment Act, 1943, and amended by section 6 of The Municipal Amendment Act, 1944, and by section 9 of The Municipal Amendment Act, 1946, and section 44d of The Municipal Act, as enacted by section 1 of The Municipal Amendment Act, 1943, are repealed and the following substituted therefor:

Improvement Districts.

Improvement districts,—incorporation.

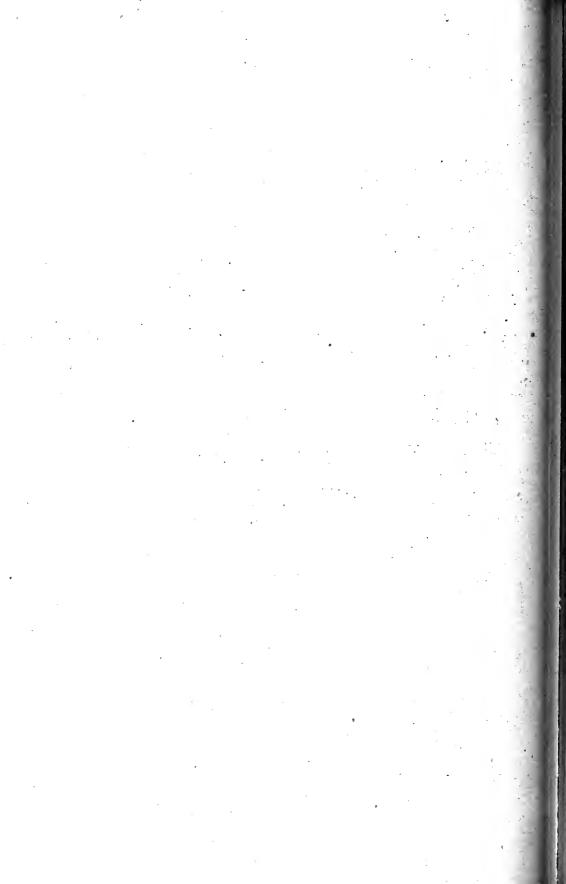
44a.—(1) The Municipal Board may, upon the application of the Department or not less than thirty male inhabitants of the locality each being a British subject of the full age of twenty-one years, incorporate as an improvement district the inhabitants of any locality having a population of not less than fifty.

Name, boundaries, etc. (2) The Municipal Board shall declare the name the improvement district shall bear in the style of "The Corporation of the Improvement District of ", and shall fix its boundaries and the date when the incorporation is to take effect and may provide for such other matters as may be necessary or expedient in connection with the incorporation and for the carrying on of the locality as an improvement district.

Subsection 2. The matters heretofore dealt with in subsection 7 are now to be found in subsection 1 (applications by Minister of Municipal Affairs). Subsection 7 is therefore superfluous and is repealed.

Subsection 3. Under the present section orders of amalgamation and annexation made by the Ontario Municipal Board must be confirmed by the Legislature before they become effective. This is considered to be unnecessary in cases in which the applicant is unopposed or in which the opposition is withdrawn.

Section 3—Subsection 1. All the provisions of the Act dealing with improvement districts are re-enacted in order to remove any doubts as to the status and nature of an improvement district. A new feature is that provision is made for the election of the members of the board of trustees.



- 44b. Every improvement district shall be subject to Part Rev. Stat., III of The Department of Municipal Affairs Act. Part III. to apply.
- 44c.—(1) Every improvement district shall be deemed to Nature and be for all purposes of every Act a township municipality, a village municipality or a town municipality as may be designated from time to time by the Municipal Board, except that its powers instead of being exercised by a council shall be exercised by a board of three trustees appointed and designated as chairman, vice-chairman and member by the Lieutenant-Governor in Council.
- (2) Two members of the board shall constitute a quorum. Quorum.
- (3) If a vacancy occurs on the board through death, ^{Vacancies} resignation or otherwise, the vacancy may be filled and the members redesignated by the Lieutenant-Governor in Council.
- (4) The board, with respect to the improvement district, Board may shall function as such local boards within the meaning as local of The Department of Municipal Affairs Act as may from time to time be designated by the Municipal Rev. Stat., Board, and when any such designation is made, the membership of the board with respect to the designated function shall be augmented by the representatives that may be appointed or elected to the local board with a similar function in a township, village or town, as the case may be, and in such case a majority shall constitute a quorum.
- (5) The chairman of the board, with respect to the im-Chairman. provement district, shall have the powers and perform the duties of a mayor or reeve and the chairman of any designated local board and when the locality erected into the improvement district forms part of a county for municipal purposes, he shall be a member of the county council.
- (6) The vice-chairman of the board, during the absence Vice-chairman of the chairman through illness or otherwise or if the office of chairman is vacant, shall have all the powers and perform the duties of the chairman.
- (7) The board shall appoint a secretary-treasurer who secretary-treasurer who treasurer. may be a member of the board, who shall hold office during pleasure and, with respect to the improvement district, shall have the powers and perform the duties of the clerk, treasurer, assessor and collector of a municipality, and the secretary and treasurer of every designated local board.
- 44d:—(1) When an improvement district has been in Election of existence for more than three years, the board of trustees.

trustees may by by-law, passed with the assent of the resident ratepayers, provide for the election of the members of the board, in which case the provisions of this Act with respect to elections shall apply *mutatis mutandis*.

Chairman and vicechairman. (2) At the first meeting of the board after each election, the trustees shall elect one of themselves as chairman and another as vice-chairman.

Improvement districts heretofore erected. (2) The inhabitants of every improvement district heretofore erected shall be deemed to have been incorporated under section 44a of *The Municipal Act* as re-enacted by subsection 1 and the name of every improvement district heretofore erected shall be varied in accordance therewith.

Rev. Stat., c. 266, s. 46, subs. 1, amended.

4.—(1) Subsection 1 of section 46 of *The Municipal Act*, as amended by section 10 of *The Municipal Amendment Act*, 1946, is further amended by striking out the words "Subject to subsection 7" at the commencement thereof, so that the said subsection, exclusive of the clauses, shall now read as follows:

Councils of cities, how composed.

(1) The council of a city shall be composed of a mayor the members of the board of control, if the city has such a board, and

Rev. Stat., o. 266, s. 46, subs. 7, repealed.

(2) Subsection 7 of the said section 46 is repealed.

Rev. Stat., c. 266, s. 47, subs. 2, amended. **5**. Subsection 2 of section 47 of *The Municipal Act* is amended by inserting after the word "councillors" in the third line the words ", or a mayor and seven councillors,", so that the said subsection shall now read as follows:

Councils of towns over 5,000.

(2) If the town has a population of not less than 5,000 the council may provide that the council shall be composed of a mayor and nine councillors, or a mayor and seven councillors, to be elected by general vote.

Rev. Stat., o. 266, s. 48, subs. 1; subs. 2 (1946, c. 60, s. 12, subs. 1), re-enacted.

6. Subsection 1 of section 48 of The Municipal Act, as amended by subsection 1 of section 3 of The Municipal Amendment Act, 1939, and subsection 2 of the said section 48, as reenacted by subsection 1 of section 12 of The Municipal Amendment Act, 1946, are repealed and the following substituted therefor:

Councils of towns of more than 5,000 in counties. (1) Where a town in a county has a population of more than 5,000 and less than five wards, the council shall be composed of a mayor, a reeve, a deputy reeve and three councillors for each ward, but if there are five

Subsection 2. This substantive provision will make the improvement districts now in existence uniform with those hereafter incorporated.

SECTION 4. The provisions repealed apply to the City of Toronto only. Hereafter they will be contained in the special legislation of the City of Toronto. No change in the law is effected by the transfer.

Section 5. This amendment will enable the larger towns in unorganized territory to have the council composed of a mayor and seven councillors. Under the present Act the choice is a mayor and nine councillors, a mayor and six councillors or a mayor and four councillors.

Section 6. Section 48 provides for the composition of the councils of towns in counties. These are divided into two groups based on population and again on whether or not the ward system is in effect. Subsection 1 establishes a general rule for all cases and subsection 2 provides for variations from the general rule.

Section 7. At the present time members of school boards in townships are entitled to run for council but cannot in the case of cities, towns and villages.

As amended, the clause will disqualify members of all boards of education and all school boards from running for council thus making the prohibition uniform in all classes of municipality.

Section 8. Municipalities which follow the general rule (i.e. nomination day on the last Monday in December and election day on the first Monday in January) must now hold the nomination meeting at the hall of the municipality at noon.

The new provisions are self-explanatory.

Section 9. The period that must elapse between nomination day and polling day is reduced from at least fourteen days to not less than seven days.

In subsection 2 provision is made for fixing different times for the nomination meeting for the respective offices, under which, for instance, the meeting to nominate candidates for the office of mayor may be held at noon and the meeting for aldermen in the evening, or whatever arrangement is desired.

or more wards the council shall be composed of a mayor, a reeve, a deputy reeve and two councillors for each ward.

- (2) Where the town has less than five wards, the council Alternate powers. may provide that the council shall be composed of a mayor, a reeve, a deputy reeve and two councillors for each ward or that the council shall be composed of a mayor, a reeve, a deputy reeve and six councillors, or a mayor, a reeve, a deputy reeve and four councillors, to be elected by general vote, and where the town has five or more wards, the council may provide that the council shall be composed of a mayor, a reeve, a deputy reeve and one councillor for each ward.
- Act, 1940, is further amended by striking out the words "or separate school board of a city, town or village, or a member of a high school board" in the first, second and third lines and inserting in lieu thereof the words "separate or high school board", so that the said clause shall now read as follows:
 - (k) a member of a board of education or of a public, separate or high school board, unless he has on or before the day of nomination filed his resignation with the secretary of the board.
- 8. Section 64 of *The Municipal Act*, as re-enacted by section Rev. Stat.. 14 of *The Municipal Amendment Act*, 1946, is amended by (1946, e. 14) adding thereto the following subsection: amended.
 - (3) The council may by by-law passed not later in the fix place year than the 1st day of November fix the place and and hour of nominatime of the nomination meeting and when the election meeting. tion for any office is by general vote the by-law may fix different places and times for the nomination meeting for the respective offices and when the election is by wards the by-law may fix the place and the time in each ward for the nomination meeting thereof, and the by-law shall remain in force from year to year until repealed.
- **9**. Subsections 1 and 2 of section 65 of *The Municipal Act*, Rev. Stat.. as re-enacted by section 14 of *The Municipal Amendment Act*, subss. 1, 2 1946, are repealed and the following substituted therefor:
 - (1) The council may, not later in the year than the 1st Power to fix nominaday of November, fix the day for the meeting of tion and electors for the nomination of candidates for council polling days. and for any local board or commission any members

of which are to be elected by ballot by the electors and the day for the polling, provided that the days so fixed occur during the period from the 15th day of November to the 1st day of January both inclusive, and are other than a Sunday or the 24th, 25th or 31st days of December, and that the day fixed for nominations is not less than seven days prior to the day fixed for polling, and the by-law shall remain in force from year to year until repealed.

Time and place of nomination meetings.

(2) The by-law shall fix the place and the time of the nomination meeting, and when the election is by general vote the by-law may fix different places and times for the nomination meeting for the respective offices, and when the election is by wards the by-law may fix the place and the time in each ward for the nomination meeting thereof.

Rev. Stat., c. 266, s. 68 (1946, c. 60, s. 14), re-enacted. 10. Section 68 of *The Municipal Act*, as re-enacted by section 14 of *The Municipal Amendment Act*, 1946, is repealed and the following substituted therefor:

Nomination meetings,—procedure.

68.—(1) The nomination meeting shall be called to order by the returning officer at the place and time called for in the notice mentioned in section 67 and the candidates for each office shall be proposed and recorded *seriatim*.

Nomination papers.

(2) Every nomination shall be in writing and state the name, residence and occupation of the candidate and shall be signed by the proposer and seconder, both of whom shall be municipal electors and present and shall be filed with the returning officer within an hour from the opening of the nomination meeting.

Effect of non-compliance with subs. 1, 2. (3) Failure to comply with subsection 1 or 2 shall not invalidate any nomination if it is received and acted upon by the returning officer without objection.

When proposed candidate absent.

(4) When a proposed candidate is not present, his nomination paper shall not be valid unless there is attached thereto evidence satisfactory to the returning officer that he consents to be so nominated.

Section 10. The section as re-enacted is self-explanatory. It is wider in scope and gives more detailed directions than the present section.

Section 11. The section as re-enacted is designed to make it clear that acclamations are not to be declared until after the time has elapsed for the filing of declarations of qualification, etc., under section 70. Acclamations cannot be declared any earlier because under subsection 3 of section 70 a person who has qualified may resign at any time during the period in which declarations of qualification, etc., may be filed.

Section 12. This section will cover the case of a qualified candidate dying before the close of the poll, formerly covered in section 72 of the Act.

- (5) The name, residence and occupation of every person Posting up nominated for the respective offices shall be posted dates' names, etc. up as the nomination papers are filed.
 - (6) At the nomination meeting or before nine o'clock in Resignation the afternoon of the same day, a candidate may dates. resign in respect of one or more offices for which he is nominated by filing his resignation in writing with the returning officer or the clerk and in default he shall be deemed to be nominated for the office for which he was first nominated.
 - (7) When a candidate makes the filings mentioned in Qualificasubsection 1 of section 70 by filing the same with candidate.
 the returning officer or the clerk at the nomination
 meeting or before nine o'clock in the afternoon of
 the same day, he shall be deemed to have resigned
 as candidate for all other offices for which he was
 nominated.
 - (8) The returning officer shall not close the nomination Close of meeting until such business as he considers may properly be brought before it has been disposed of.
 - (9) The treasurer or collector of the municipality shall Furnishing be in attendance at his office, or such place as is ficates. designated by the council, at least one hour prior to the holding of the nomination meeting for the purpose of furnishing the certificates referred to in subsection 1 of section 70.
- 11. Section 71 of *The Municipal Act*, as re-enacted by Rev. Stat., section 14 of *The Municipal Amendment Act*, 1946, is repealed (1946, c. 60, s. 14), and the following substituted therefor:
 - 71. If no more candidates qualify for any office than the Acclamanumber to be elected, the clerk shall forthwith after the expiry of the time prescribed in section 70 declare the candidate or candidates duly elected.
- 12. The Municipal Act is amended by adding thereto the Rev. Stat., following section:
 - 73. If a candidate for any office dies after having qualified New election and before the close of the poll, the returning officer death of shall fix a new day for the nomination of candidates candidates for such office and for polling, and the proceedings in such case shall, as nearly as practicable, be the same as for a new election.

Rev. Stat., c. 266, s. 79, subs. 1 (1946, c. 60, s. 15), amended.

13. Subsection 1 of section 79 of The Municipal Act, as re-enacted by section 15 of The Municipal Amendment Act, 1946, is amended by adding at the commencement thereof the words "Notwithstanding any general or special Act", so that the said subsection shall now read as follows:

Two-year terms. (1) Notwithstanding any general or special Act, the council of a local municipality may by by-law passed with the assent of the electors extend the term of office of the members of the council to two years, and may with the like assent repeal such by-law.

Rev. Stat., c. 266, s. 80, amended.

14. Section 80 of *The Municipal Act* is amended by striking out the figure "7" in the first line and inserting in lieu thereof the figure "3", so that the said section shall now read as follows:

Election to be held in municipality.

80. Subject to subsection 3 of section 65 and to section 88, the election shall be held in the municipality.

Rev. Stat., c. 266, s. 113, subsection 1 of section 113 of The subsection 1, cl. c, Municipal Act is repealed.

Rev. Stat., c. 266, s. 113, subs. 10, repealed; subs. 11, re-enacted.

- (2) Subsections 10 and 11 of the said section 113 are repealed the the following substituted therefor:
- Declaration of railway employee or commercial traveller.

(11) Every railway employee or commercial traveller offering himself as a voter at the polling place, before being allowed to vote, shall be required by the deputy returning officer to make the following declaration, which shall be kept by the deputy returning officer with the other records of the poll:

(Name)	(Address)
declare that I am a	(railway employee or commercial traveller)
at present employed l	by
and that I expect in t	he course of my employment to be absent
from this municipalit	y on polling day, namely, the
day of	, 19
Dated at	this
day of	, 19
Witness:	Name of Voter.

Deputy Returning Officer.

SECTION 13. The words added will enable municipalities whose elections are now governed by special Acts to take advantage of this section if they so wish, in the same way as municipalities whose elections are governed by the general law.

SECTION 14. What was formerly subsection 7 of section 65 is now subsection 3 of section 65. The amendment corrects the reference.

Section 15. At the present time commercial travellers must be certificated members of certain commercial travellers' associations in order to vote at advance polls in municipal elections.

Under the section as amended, any commercial traveller may vote at an advance poll, provided his name is on the voters' list and he makes the required declaration.

SECTION 16. Under the present section in the case of a tie vote the clerk must vote to break the tie before any recount proceedings are taken. Under the new section a recount is mandatory and if the result is still a tie, the clerk then has a casting vote.

SECTION 17. The present section, which dates from 1913, refers to "Master in chambers". This expression is no longer in use. The amendment substitutes "Master of the Supreme Court" to bring the amended sections into accord with *The Judicature Act*. No change in principle or in practice is intended.

Section 18. Complementary to section 17.

Section 19—Subsection 1. The present Act provides for holding the first meeting of the council on the day and at the hour fixed by by-law but not later than a stated day. As some councils fail to pass the by-law, the new provisions provide a stated day and hour, but allow an earlier day and hour to be fixed by by-law.

Subsections 2 and 3. The words deleted are no longer appropriate as the declarations of qualification are now filed not later than the day following the nomination meeting.

- **16.** Section 140 of *The Municipal Act* is repealed and the Rev. Stat., following substituted therefor:
 - 140.—(1) 'If, upon' the casting up of the votes two or Provision for the more candidates have an equal number of votes vote.—
 where both or all of such candidates cannot be necessary. elected, the clerk shall publicly declare the result and put up in a conspicuous place a statement under his hand showing the number of votes for each candidate and shall forthwith notify a judge of the county or district court of the county or district in which the municipality is situate of the result and the judge shall thereupon appoint a time and place to recount the votes cast for such candidates.
 - (2) In such proceedings the provisions of sections 142 and Procedure. 143 shall apply mutatis mutandis.
 - (3) If the certificate of the result of the recount shows When clerk that the candidates still have an equal number of ing vote. votes, the clerk shall forthwith after receiving the certificate give a vote for one or more of the candidates so as to decide the election.
- **17.** Clause b of section 172 of *The Municipal Act* is repealed Rev. Stat., and the following substituted therefor: $\begin{array}{c} c. 266, s. 172, \\ c. b, \\ re-enacted. \end{array}$
 - (b) "Master" shall mean Master of the Supreme Court, "Master". and shall include Assistant Master.
- **18.** Sections 173, 174, 177, 180, 181, 182, 184, 185, 188, Rev. Stat., 189, 191 and 192 of *The Municipal Act* are amended by striking Part IV, out the words "in chambers" wherever they occur in the said amended. sections.
- 19.—(1) Subsections 1 and 2 of section 205 of *The Munici*-Rev. Stat., pal Act, as re-enacted by section 4 of *The Municipal Amend*-subs. 1, 2 ment Act, 1943, are repealed and the following substituted c. 16, s. 4), therefor:
 - (1) The first meeting of the council of a local munici-First meeting of pality shall be held on the second Monday in Janu-council,—local muniary at eleven o'clock in the forenoon or at such hour cipalities; as may be fixed by by-law, or on such day prior to the second Monday in January and at such hour as may be fixed by by-law.
 - (2) The first meeting of the council of a county shall be county. held on the third Tuesday in January at two o'clock in the afternoon or at such hour as may be fixed by by-law, or on such day prior to the third Tuesday

in January and at such hour as may be fixed by by-law.

Rev. Stat., c. 266, s. 205, subs. 3, amended.

(2) Subsection 3 of the said section 205 is amended by striking out the words "and qualification" in the second line, so that the said subsection shall now read as follows:

Declarations of office before business.

(3) No business shall be proceeded with at the first meeting until after the declarations of office have been made by all the members who present themselves for that purpose.

Rev. Stat., c. 266, s. 205, subs. 4, amended.

(3) Subsection 4 of the said section 205 is amended by striking out the words "and qualification" in the second and third lines, so that the said subsection shall now read as follows:

When council deemed organized.

(4) A council shall be deemed to be organized within the meaning of this Act when the declarations of office have been made by a majority of the members, and it may be organized and business may be proceeded with notwithstanding the failure of any of the other members to make such declarations.

Rev. Stat., c. 266, s. 233, re-enacted. **20**. Section 233 of *The Municipal Act* is repealed and the following substituted therefor:

Substitute for head of council as ex officio member of boards, etc.

233. The council of any municipality may by by-law, passed with the written consent of the head of the council, appoint a member of the council to act in the place of the head of the council on any board, commission or other body of which the head of the council is a member *ex officio* under any general or special Act, except a board of commissioners of police.

Rev. Stat., c. 266, s. 234, subsection 2 of section 234 of *The Municipal Act*, as re-enacted by section 25 of *The Municipal Amendment Act*, (1946, c. 60, s. 25), 1946, is repealed and the following substituted therefor: re-enacted.

Deputy clerk.

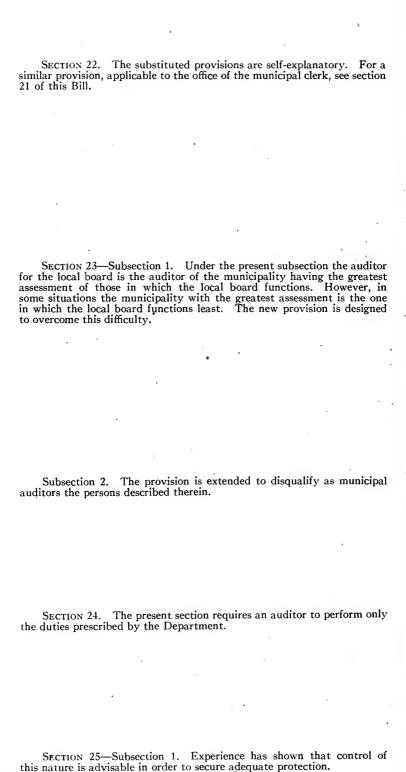
(2) The council may appoint a deputy clerk who shall have all the powers and duties of the clerk under this and every other Act.

Acting clerk.

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties, through illness or otherwise, the council may appoint an acting clerk *protempore* who shall have all the powers and duties of the clerk under this and every other Act.

Section 20. The section, now applicable to local municipalities only, is extended to counties, as in many cases the warden is unable to attend meetings of boards, etc., of which he is a member ex officio.

Section 21. The substituted provisions are self-explanatory. For a similar provision, applicable to the office of municipal treasurer see section 22 of this Bill.



- 22. Subsection 2 of section 238 of *The Municipal Act*, as Rev. Stat., c. 266, s. 238, re-enacted by section 27 of *The Municipal Amendment Act*, subs. (1946, is repealed and the following substituted therefor: c. 60, s. 27), re-enacted.
 - (2) The council may appoint a deputy treasurer who Deputy shall have all the powers and duties of the treasurer treasurer under this and every other Act.
 - (3) When the office of treasurer is vacant or the treasurer Acting is unable to carry on his duties through illness or treasurer. otherwise, the council may appoint an acting treasurer pro tempore who shall have all the powers and duties of the treasurer under this and every other Act.
- 23.—(1) Subsection 1a of section 248 of The Municipal Rev. Stat., Act, as enacted by subsection 2 of section 32 of The Municipal subs. 1a, Amendment Act, 1946, is repealed and the following sub-(1946, c. 60, s. 32, stituted therefor:

 128.—(1) Subsection 1a of section 248 of The Municipal Rev. Stat., act 248, act 248
 - (1a) Where a local board functions in more than one where local municipality, the accounts and transactions thereof board in more than shall be audited by an auditor of the municipality one municipality one municipality one municipality one municipality one municipality one municipality. In which the local board functions most, and in the event of disagreement as to the proper auditor the matter upon application may be determined by the Department.
- (2) Subsection 2 of the said section 248 is repealed and the Rev. Stat., c. 266, s. 248, following substituted therefor:

 "C. 266, s. 248, subs. 2, re-enacted."
 - (2) No person shall be appointed an auditor who is or Disqualification for was during the preceding year a member of a muni-tion for cipal council or a local board or who has or had auditor. during the preceding year any direct or indirect interest in any contract with a municipality or a local board or any employment with any of them other than as an auditor.
- 24. Section 249 of *The Municipal Act*, as re-enacted by Rev. Stat., section 18 of *The Municipal Amendment Act*, 1944, is repealed (1944, and the following substituted therefor:

 ...
 c. 39. s. 18).
 re-enacted.
 - 249. An auditor shall perform such duties as are pre-Duties of scribed by the Department and also such duties as may be required by the council or any local board that do not conflict with the duties prescribed by the Department.
- 25.—(1) Subsection 2 of section 257 of *The Municipal Act* Rev. Stat., is amended by adding at the end thereof the words "and shall subs. 2. be in such form and on such terms as the Department may approve", so that the said subsection shall now read as follows:

Nature of security.

Rev. Stat., c. 263. (2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company within the meaning of *The Guarantee Companies Securities Act* and shall be in such form and on such terms as the Department may approve.

Rev. Stat.. (2) Subsection 4 of the said section 257 is repealed and the subs. 4, re-enacted. following substituted therefor:

Inspection and return as to security.

(4) The council shall forthwith after the production thereof direct where and with whom the bonds, policies
and guarantee contracts given under this section
shall be deposited for safe keeping and where the
same shall be available for inspection by the auditor
and the auditor shall in his annual report to the
Department include such information with respect
to the same as may be required by the Department.

Rev. Stat.. **26**. Section 303 of *The Municipal Act* is repealed and the re-enacted following substituted therefor:

Time for making application to quash.

303. An application to quash, in whole or in part, a by-law, except a money by-law registered under section 314, shall not be entertained unless made within one year after the passing of the by-law, but if the by-law required the assent of the electors and was not submitted for or did not receive such assent, the application may be made at any time.

Rev. Stat., c. 266, s. 307, subs. 2, amended.

27.—(1) Subsection 2 of section 307 of *The Municipal Act* is amended by inserting after the word "insurance" in the first and second lines the words "or enters into an arrangement to provide pensions under paragraph 41a of section 404 or grants a retiring allowance under section 265", so that the said subsection shall now read as follows:

Premium note, pensions, retiring allowance.

(2) Where a corporation gives a premium note for fire insurance or enters into an arrangement to provide pensions under paragraph 41a of section 404 or grants a retiring allowance under section 265, it shall not be deemed to be incurring a debt, the payment of which is not provided for in the estimates for the current year, as provided by subsection 1.

Retrospective effect. (2) Subsection 1 shall be deemed to have come into effect on the 26th day of June, 1939.

Rev. Stat., c. 266, s. 307, (3) Clause aa of subsection 3 of the said section 307, as subs. 3, cl. aa re-enacted by section 39 of *The Municipal Amendment Act*, (1946, c. 60, s. 39), 1946, is amended by striking out the words, figures and letter amended.

Subsection 2. Under the present provision the annual return is made to the Department by the council. Under the new provision it is to be made by the auditor as part of his usual annual return, thus simplifying the procedures.

Section 26. The section is re-enacted in order to clarify its meaning and to delete the reference to promulgation of money by-laws, as notice of registration of money by-laws is no longer required to be published under section 314. See also section 28 of this Bill.

Section 27—Subsection 1. The effect of the added words is that when a municipality enters into an arrangement to provide pensions for employees under paragraph 41a of section 404 or grants a retiring allowance under section 265 and thereby incurs a debt that is not to be met out of current revenues, such debt may be incurred without the assent of the electors.

Subsection 2. The amendment is retroactive in effect in order to correspond with the coming into force of the pensions provisions of the Act (s. 404, par. 41a).

Subsection 3. When borrowing money for any of the purposes of the named paragraphs, the assent of the electors is not required. The reference deleted, section 404a, is the section under which grants for patriotic purposes may be made. Under subsection 3 of section 275 no debentures can be issued to finance patriotic grants. The reference is wrong and is therefore deleted.

Section 28. The words deleted are no longer apt as notice of registration of money by-laws is no longer required to be published. See also section 26 of this Bill.

Section 29. The words added are designed to ensure that the earnings from reserve fund moneys will go into the reserve fund and not elsewhere.

"or section 404a" in the second and third lines, so that the said clause shall now read as follows:

- (aa) for borrowing money for any of the purposes mentioned in paragraph 28, 30 or 41a of section 404, or in paragraph 1, 1a or 2 of section 414; or
- **28.**—(1) Subsection 5 of section 314 of *The Municipal Act* $_{c.\ 266,\ s.\ 314}^{Rev.\ Stat.}$, is amended by striking out the words "or where publication subs. 5. of the notice provided for by subsection 3 is required within three months after the first publication of the notice" in the eighth, ninth and tenth lines, so that the said subsection shall now read as follows:
 - (5) Every by-law registered in accordance with the pro-Time for visions of subsection 1, or before the sale or other plication to disposition of the debentures issued under it, and quash registered the debentures shall be valid and binding, according by-law. to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws to which subsection 4 applies, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought is registered in such registry office within such period of three months, or one month, as the case may be.

- (2) Subsection 10 of the said section 314 is amended by Rev. Stat. striking out the words "or to publish notice of the registration subs. 10, of a by-law" in the first and second lines, so that the said sub-amended. section shall now read as follows:
 - (10) Failure to register a by-law, as prescribed by this Failure to section, shall not invalidate it.
- 29. Subsection 2 of section 316a of The Municipal Act, as Rev. Stat., enacted by section 6 of The Municipal Amendment Act, 1943, s. 316a, is amended by adding at the end thereof the words "and the $\frac{\mathrm{subs.}\ 2}{(1943)}$ earnings derived from the investment of such moneys shall $\frac{\mathrm{c.}\ 16}{\mathrm{s.}\ 6}$. form part of the reserve fund", so that the said subsection shall now read as follows:
 - (2) The moneys raised for a reserve fund established Investment under subsection 1 shall be paid into a special ac-fund count and may with the approval of the Depart-moneys. ment be invested in such securities as a trustee may

Rev. Stat .. c. 165.

invest in under The Trustee Act, or be paid to the Treasurer of Ontario in which case the provisions of sections 328 and 329 shall mutatis mutandis apply. and the earnings derived from the investment of such moneys shall form part of the reserve fund.

Rev. Stat ... c. 266 amended.

30. The Municipal Act is amended by adding thereto the following section:

Tenders for debentures.

338b. When a municipal corporation intends to borrow money on debentures under this or any other Act. the council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Rev. Stat. c. 266, s. 404, par. 16 (1946, c. 60, s. 48, subs. 2), amended.

31.—(1) Paragraph 16 of section 404 of The Municipal Act, as re-enacted by subsection 2 of section 48 of The Municipal Amendment Act, 1946, is amended by striking out the words "as may be deemed expedient" in the fifth and sixth lines and inserting in lieu thereof the words "based on cost as may be agreed upon or failing agreement as may be determined by the Municipal Board", so that the said paragraph shall now read as follows:

Fire protection agreements.

16. For entering into agreement with any other municipality or person for the use of the fire-fighting equipment, or any of it, of the municipality or of such other municipality or person upon such terms and conditions and for such consideration based on cost as may be agreed upon or failing agreement as may be determined by the Municipal Board, provided that notwithstanding the provisions of any such agreement no liability shall accrue to the municipality or person for failing to supply the use of the fire-fighting equipment, or any of it.

Proviso

Rev. Stat.

par 41a,

cl. a, subcl. i

s. 23, subs. 2)

(2) Subclause i of clause a of paragraph 41a of the said c. 266, s. 404, section 404, as enacted by subsection 2 of section 23 of The Municipal Amendment Act, 1939, and amended by subsection 6 of section 36 of The Municipal Amendment Act, 1944, is repealed and the following substituted therefor:

re-enacted. "Employee".

(1939, c. 30,

(i) "Employee" shall mean any salaried officer, clerk, workman, servant or other person in the employ of the municipality or of a local board and shall include any person designated as an employee by the Minister.

32.—(1) Section 405 of *The Municipal Act* is amended by Rev. Stat c. 266, s. 405, amended. adding thereto the following paragraphs:

Section 30. This provision is new. It is permissive. It will enable municipalities to borrow a fixed sum of money for a fixed period of time at such rate of interest as may be agreed upon between the lender and the municipality, thus assuring that the debentures will be sold at par, and consequently assuring that the municipality will receive the amount of money required, and no more.

SECTION 31. Agreements for the use of fire-fighting equipment are sometimes difficult to negotiate owing to the inability of the parties to agree as to the cost of the services to be supplied. It is felt that if the parties can refer the matter to the Municipal Board that it will facilitate the making of such agreements on a fair basis.

For a similar amendment applicable to defined areas of townships, see section 39 of this Bill, and to police villages, see section 49 of this Bill.

Subsection 2. Paragraph 41a deals with pensions for employees of municipalities and local boards. The word "employee" as used in this paragraph is redefined. As redefined it is widened by deleting the words which excluded persons under *The Teachers' and Inspectors' Superannuation Act or The Power Commission Insurance Act.*

Section 32—Subsection 1. Paragraph 30a, applicable to cities, towns, villages and townships, is new. The subject matter was heretofore dealt with in paragraph 16 of section 407 (cities, towns and villages) and paragraph 2 of section 425 (townships), each of which limited the cost of firehall site, fire hall and fire-fighting equipment to \$20,000. This limit is removed as all capital expenditures must now be approved by the Municipal Board.

The old paragraphs are repealed.

Paragraph 39a is now applicable to cities, towns and villages only (s. 407, par. 3a). By transferring it to section 405 it is made applicable to townships as well. The paragraph is re-worded in more specific language.

Paragraph 40a was formerly section 414, par. 4, of the Act, applicable only to cities and towns. Hereafter it will be applicable to cities, towns, villages and townships. Clauses a and b are new and are self-explanatory.

The provisions of paragraph 47a are self-explanatory. It is needed because the case of *Tavener v. Village of Port Stanley, 1945, O.R. 718*, held that municipalities have no power to pass by-laws giving permission to construct pipe-lines for conveying oil and gasoline along or under the streets of the municipality. The paragraph now enacted will confer the necessary power.

Fire halls, Fire-fighting Equipment.

30a. For acquiring land and erecting thereon a fire hall Fire halls, and for purchasing and installing fire engines, equipment. apparatus and appliances for fire-fighting and fire protection, and for issuing debentures therefor without the assent of the electors.

Heating and Cooking Equipment.

39a. For regulating, controlling and inspecting heating ecoking and cooking appliances, or any classes thereof, the equipment installation thereof and the storage of fuel for use in connection therewith.

Lodging-houses.

- **40a.** For licensing, regulating and governing lodging-houses, houses, and the keepers of lodging-houses, and for revoking any such licence.
 - (a) Lodging-house shall mean any house or other building or portion thereof in which persons are harboured, received, or lodged for hire but shall not include an hotel, hospital, home for the young or the aged or institution, provided the hotel, hospital, home or institution is licensed, approved or supervised under any general or special Act.
 - (b) A by-law passed under this section may provide for the licensing, regulating and governing of any class or classes of lodging-houses or lodging-house keepers, and may provide for the issue and revocation of licenses by the local board of health and for prohibiting the use of premises licensed under the by-law except for the purposes for which the license was issued and may fix the license fee for any class or classes of lodging-houses in accordance with a scale for each class or the number of inmates permitted in the lodging-house.
- 47a. Notwithstanding any other Act, for laying, or Laying of maintaining, or for authorizing any person to lay, oil, etc. use or maintain pipes or conduits for transmitting gasoline, oil, anti-freeze, brine or other similar products along, under, in or upon highways or land owned by the municipality; and for making such annual or other charge for the privilege conferred as the council may deem reasonable; and for entering into agreements with persons for the use by them of

such pipes or conduits on such terms and conditions as may be agreed upon.

(a) Such annual or other charge and any expense incurred by the corporation in restoring the highway to its former condition shall be payable and payment may be enforced in like manner as taxes.

Telephone booths.

47b. For authorizing the erection of public telephone booths upon the highways or lands of the municipality upon such terms and conditions as may be agreed upon; and for making such annual or other charge for the privilege conferred as the council may deem reasonable.

c. 39, s. 38, subs. 3). repealed.

Rev. Stat., c. 266, s. 405, (2) Paragraph 69 of the said section 405, as enacted by par. 69 (1944, subsection 3 of section 38 of The Municipal Amendment Act, 1944, is repealed.

Existing pipe-line agreements.

(3) Every agreement now in force with respect to pipes or * conduits that conforms with paragraph 47a of section 405 of The Municipal Act as enacted by subsection 1 shall be deemed to have been made pursuant to the authority of the said paragraph.

Rev. Stat. c. 266, s. 407, par. 3a (1946, c. 60, s. 51, subs. 1), repealed.

33.—(1) Paragraph 3a of section 407 of The Municipal Act, as enacted by subsection 1 of section 51 of The Municipal Amendment Act, 1946, is repealed.

Rev. Stat. c. 266, s. 407, par. 14, repealed.

(2) Paragraph 14 of the said section 407 is repealed.

Rev. Stat. c. 266, s. 407, par. 16, repealed.

(3) Paragraph 16 of the said section 407 is repealed.

Rev. Stat

34.—(1) Paragraph 10 of section 408 of The Municipal Act c. 266, s. 408, par. 10, is amended by striking out all the words after the word amended. "machines" in the second line so that the said paragraph "machines" in the second line, so that the said paragraph shall now read as follows:

Fees.

10. For imposing, levying and collecting fees for the use of such weighing machines.

Rev. Stat., c. 266, s. 408, par. 11, cl. d, repealed.

(2) Clause d of paragraph 11 of the said section 408 is repealed.

Rev. Stat c. 266, s. 408, par. 12, cl. iv, amended.

- (3) Clause iv of paragraph 12 of the said section 408 is amended by striking out all the words after the word "imposed" in the first line, so that the said clause shall now read as follows:
 - (iv) to pay such fee for measuring as may be imposed.

The provisions of paragraph 47b are self-explanatory.

Subsection 2. This paragraph, which authorizes local municipalities to give bounties for the destruction of foxes, is repealed as the matter is now provided for in paragraph 17a of section 404, applicable to all municipalities. See 1946, c. 60, s. 48 (1).

Section 33—Subsection 1. This paragraph, which enables cities, towns and villages to regulate, control and inspect the installation of heating equipment is transferred to section 405 of the Act in order that it may apply also to townships. See section 32 (1) of this Bill.

Subsection 2. The paragraph repealed enabled cities, towns and villages to pass by-laws "for providing that the reels, engines and vehicles of the fire department shall have the right of way on the streets and highways while proceeding to a fire or answering a fire alarm call". The Highway Traffic Act will now apply.

Subsection 3. This paragraph, which authorizes cities, towns and villages to purchase fire-hall sites and fire-fighting equipment, and the corresponding paragraph (s. 425.2) applicable to townships are repealed and re-enacted as a paragraph in section 405, applicable to all local municipalities. As the Municipal Board must approve all capital expenditures the present limit of \$20,000 is removed.

SECTION 34. These provisions are very old. They fix limits on the fees that may be charged for the use of weigh scales and for measuring firewood before sale upon the market. The fees that may be charged within these limits are now inadequate for the services rendered. These amendments delete the limits so as to leave the fixing of the fees to the council.

Section 35. These provisions are very old. They fix limits on market fees and for weighing articles. The fees that may be charged within these limits are inadequate for the services rendered. Hereafter such fees may be fixed by council, as the repeal of these subsections deletes the provisions containing the limits.

Section 36. The paragraph repealed enables cities and towns to license, regulate and govern lodging houses and lodging-house keepers. It is being transferred to section 405 of the Act where it will be applicable to cities, towns, villages and townships. See section 32 (1) of this Bill.

Section 37. This section, applicable to towns and villages, authorizes the licensing, etc., of teamsters, cab drivers, motor and other hire vehicles, livery stable keepers and keepers of hire-vehicles and also the regulating of charges and fares for conveying goods and passengers. A new paragraph, applicable to cities, towns, villages and townships covering these matters is enacted by section 41 of this Bill.

Section 38. Paragraph 4 repealed, applicable to towns, villages and townships, authorized the licensing of teamsters, cab drivers, cab owners and motor and other hire-vehicles. It also enabled fares and charges for the conveyance of passengers and goods within the municipality to be established. A new paragraph, applicable to cities, towns, villages and townships, covering these matters is enacted by section 41 of this Bill.

Paragraph 8 repealed enabled towns, villages and townships to pass by-laws 'for providing that the reels, engines and vehicles of the fire department shall have the right of way on the streets and highways while proceeding to a fire or answering a fire alarm call'. The matter is now covered in *The Highway Traffic Act*.

Section 39—Subsection 1. This paragraph, which authorizes townships to purchase fire-hall sites and fire-fighting equipment and the corresponding provision (s. 407, par. 16) applicable to cities, towns and villages are repealed and re-enacted as a paragraph in section 405, applicable to all local municipalities. As the Municipal Board must approve all capital expenditures the present limit of \$20,000 is removed. See section 32 (1) of this Bill.

Subsection 2. This paragraph, applicable to defined areas of townships, is re-enacted in order to bring it into line with the general provisions on the same subject, namely, paragraph 16 of section 404. See section 31 (1) of this Bill.

Subsection 3. Paragraph 2 of section 407 enables a city, town or village which constructs or purchases a gas works, hydro plant, water works, sewerage works, sewage disposal plant or street railway to extend, improve or complete such works. The new paragraph gives similar power to a township in respect of the township or any defined area thereof.

Section 40. This amendment will enable villages to pass by-laws for constructing and maintaining lavatories and the like in the same way as may now be done in the case of cities and towns (s. 414, par. 5). Townships now have similar powers (s. 425, par. 17).

Rev. Stat., 35. Subsections 7 and 8 of section 409 of The Municipal subss. 7, 8, Act are repealed.

repealed.

36. Paragraph 4 of section 414 of The Municipal Act, as 266. S. 414. amended by section 40 of The Municipal Amendment Act, repealed.
Rev. Stat., c. 266, s. 416,

repealed.

37. Section 416 of *The Municipal Act* is repealed.

38. Paragraph 4, as amended by subsection 2 of section 17 repealed.

The Municipal Amendment Act 1041 and 38. Paragraph 4, as amended by subsection 2 of Rev. Stat., of The Municipal Amendment Act, 1941, and paragraph 8 of Rev. Stat., c. 266, s. 425, par. 2, par. 2, par. 2.

repealed.

39.—(1) Paragraph 2 of section 425 of *The Municipal Act*, as amended by subsection 2 of section 55 of *The Municipal* c. 266. s. 425. Amendment Act, 1946, is repealed.

par. 4, re-enacted.

(2) Paragraph 4 of the said section 425, as amended by Area firesubsection 3 of section 55 of The Municipal Amendment Act, agreements. 1946, is repealed and the following substituted therefor:

- 4. For entering into agreement with any other municipality or person upon such terms and conditions and for such consideration based on cost as may be agreed upon or failing agreement as may be determined by the Municipal Board for the use of the fire-fighting equipment of such municipality or person, or any of it, in the event of fire in any defined area of the township, and for levying a special annual rate on all the rateable property in such area to defray the expenses incurred under and incidental to the agreement, provided that notwithstanding the provisions of any such agreement no liability shall accrue to the municipality or person for failing to supply the use of the fire-fighting equipment, or any of it.
- (3) The said section 425 is further amended by adding Rey. Stat., c. 266, s. 425, amended. thereto the following paragraph:
 - 18. For exercising in respect of the township or any Extension defined area thereof the powers conferred on the of utilities. councils of urban municipalities by paragraph 2 of section 407, in which case the said paragraph shall apply mutatis mutandis to the township or any defined area thereof.
- **40.** Paragraph 1 of section 427 of *The Municipal Act*, as Rev. Stat., re-enacted by section 16 of *The Municipal Amendment Act*, c. 266, s. 427, 1943, is amended by inserting after the figure and letter amended. "2a" in the second line the word and figure "and 5", so that the said paragraph shall now read as follows:
 - Garbage. 1. For exercising the powers conferred on cities and ashes, lavatories, etc. towns by paragraphs 1 to 2a and 5 of section 414.

Rev. Stat., c. 266, amended.

- **41**. The Municipal Act is amended by adding thereto the following section:
 - 428. By-laws may be passed by the councils of towns, villages and townships and by boards of commissioners of police in cities:

Teamsters, cab owners, cab drivers, vehicles for hire, etc. 1. For licensing, regulating and governing teamsters, carters, draymen, owners and drivers of cabs, buses, motor or other vehicles used for hire; for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within the municipality or to any point not more than three miles beyond its limits, and for providing for the collection of such rates or fares; and for revoking any such license.

Livery stables.

2. For licensing, regulating and governing keepers of livery stables and of horses used for hire.

Rev. Stat., c. 266, s. 433, par. 1, amended.

42.—(1) The first eleven lines of paragraph 1 of section 433 of *The Municipal Act* are repealed and the following substituted therefor:

Licensing, etc., salesmen.

1. For licensing, regulating and governing persons who go from place to place or to a particular place with goods, wares or merchandise for sale, or who carry and expose samples, patterns or specimens of any goods, wares or merchandise which is to be delivered in the municipality afterwards.

Rev. Stat., (2) Clause a of paragraph 1 of the said section 433 is repealed par. 1, cl. a, and the following substituted therefor: re-enacted.

When license not required.

- (a) No such license shall be required for hawking, peddling or selling goods, wares or merchandise,
 - (i) to wholesale or retail dealers in similar goods, wares or merchandise, or
 - (ii) if the goods, wares or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or his agent or employee having written authority so to do, in the municipality in which the grower, producer or manufacturer resides, or

Section 41. The matters dealt with in this new section are now to be found in section 416 of the Act applicable to towns and villages, in section 423.4, applicable to towns, villages and townships and in section 441.1, applicable to cities. These provisions, although they deal with the same things, are not uniform and in some instances are conflicting. They are therefore repealed by sections 37, 38 and 44 of this Bill and this section substituted, which will be applicable to cities, towns, villages and townships. Similar powers of counties (417.5) are not altered.

Section 42. The paragraph amended provides for licensing, regulating and governing hawkers and pedlars. Its provisions are clarified.

Section 43—Subsection 1. Heretofore this paragraph appeared in section 442 of the Act where it was not applicable to townships. Hereafter in its new position the paragraph will be applicable to townships as well as cities, towns and villages. See section 45 of this Bill.

Subsection 2. Under the present clause the sum paid for a transient trader's license is credited to the person paying it on account of taxes thereafter payable by him. There is no time limit, and so no finality to the matter.

Under the new clause a reasonable time limit is provided and the case of a sale of the business is also covered. It is also made clear that the credit applies only to taxes payable in respect of the business, and not all taxes payable by the licensee.

Section 44. This paragraph, applicable to cities, authorizes the licensing of teamsters, cab owners, cab drivers, etc. It also enabled rates or fares to be established for the conveyance of passengers and goods. A new paragraph, applicable to cities, towns, villages and townships, covering these matters is enacted by section 41 of this Bill.

Section 45. This section, which deals with licensing, regulating and governing dealers in coal or coke is not applicable to townships. It is therefore transferred to section 439 where it will apply to townships as well as cities, towns and villages. See section 43 (1) of this Bill.

Section 46. Under the present section cities having a population from 100,000 to 200,000 may pay aldermen annual allowances up to \$500 (\$100 additional for each chairman of a standing committee, the chairman of the court of revision and the chairman of the local board of health). Under the section as amended such cities may pay such annual allowances as may be approved by the Department of Municipal Affairs, in the same manner as is now done in all other municipalities, except Toronto.

SECTION 47. The words deleted fix a maximum term of ten years for the debentures of a township for money borrowed for the purposes of a police village. This maximum term is struck out, leaving the term open as in any event it must be approved by the Ontario Municipal Board.

- (iii) if the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of his own farm.
- (3) Clause e of paragraph 1 of the said section 433 is Rev. Stat., e. 266, s. 433, par. 1, el. e, repealed.
- **43.**—(1) Section 439 of *The Municipal Act* is amended Rev. Stat., by adding thereto the following paragraph:

Coal Dealers, etc.

- 1a. For licensing, regulating and governing dealers in Licensing, coal, coke, oil or other fuel and for revoking or sus-dealers.
 pending the license of any such dealer.
 - (a) The fee for such license shall not exceed \$5 per year.
 - (b) A by-law passed under this paragraph shall include dealers in coal, coke, oil or other fuel who by themselves or their employees, agents, canvassers or solicitors take orders for or deliver fuel within the municipality.
- (2) Clause f of paragraph 6 of the said section 439 is Rev. Stat., repealed and the following substituted therefor:

 par 6, cl. f, re-enacted.
 - (f) The sum paid for a license shall be credited to the Credit of person paying it, or to any bona fide purchaser of the business who carries on the same on account of taxes payable in respect of the business during the year in which the license was issued and five years thereafter.
- 44. Paragraph 1 of section 441 of The Municipal Act is Rev. Stat., c. 266, s. 441, par. 1, repealed.
- **45.** Section 442 of *The Municipal Act*, as amended by Rev. Stat., section 13 of *The Municipal Amendment Act*, 1938, and sec-c. 266, s. 442, tion 60 of *The Municipal Amendment Act*, 1946, is repealed.
- **46.** Clause b of subsection 1 of section 445 of The Municipal Rev. Stat., c. 266, s. 445, Act, as re-enacted by section 46 of The Municipal Amendment subs. 1, cl. b (1944, is repealed. c. 39, s. 46), repealed.
- **47.** Subsection 1 of section 540 of *The Municipal Act* is Rev. Stat., amended by striking out the words "payable on the instal-subs. 1, ment plan, at such time within ten years and in such manner amended. as the trustees may request" at the end thereof.

Rev. Stat., c. 266, s. 541, subs. 1, amended.

48.—(1) Subsection 1 of section 541 of *The Municipal Act* is amended by striking out all the words after the word "protection" in the fourth line, so that the said subsection shall now read as follows:

Purchase of fire engines and appliances with consent of township council.

- (1) The trustees may, with the consent of the council of the township in which the village is situate expressed by by-law or resolution, purchase fire engines and appliances for fire protection.
- Rev. Stat. (2) Subsection 2 of the said section 541 is amended by striking out all the words after the word "township" in the fourth line, so that the said subsection shall now read as follows:

Township to pass debenture by-law.

- (2) Upon the purchase being made, the council of the township shall pass a by-law for raising the amount of the purchase money by the issue of debentures of the corporation of the township.
- Rev. Stat., c. 266, s. 542, re-enacted. **49.** Section 542 of *The Municipal Act* is repealed and the following substituted therefor:

Fireprotection agreements.

542. The trustees may enter into agreement with any municipality for the use of the fire-fighting equipment, or any of it, of the village upon such terms and conditions and for such consideration based on cost as may be agreed upon or failing agreement as may be determined by the Municipal Board, provided that notwithstanding the provisions of any such agreement no liability shall accrue to the trustees for failing to supply the use of the fire-fighting equipment, or any of it.

Proviso.

- Rev. Stat., c. 266, s. 543, subs. 3, cl. b, Act is amended by striking out the words "on the instalment plan, payable within ten years" in the second and third lines, so that the said clause shall now read as follows:
 - (b) such money be raised by the issue of debentures of the corporation of the township.
- Commencement of Act. This Act shall come into force on the 1st day of June, 1947.

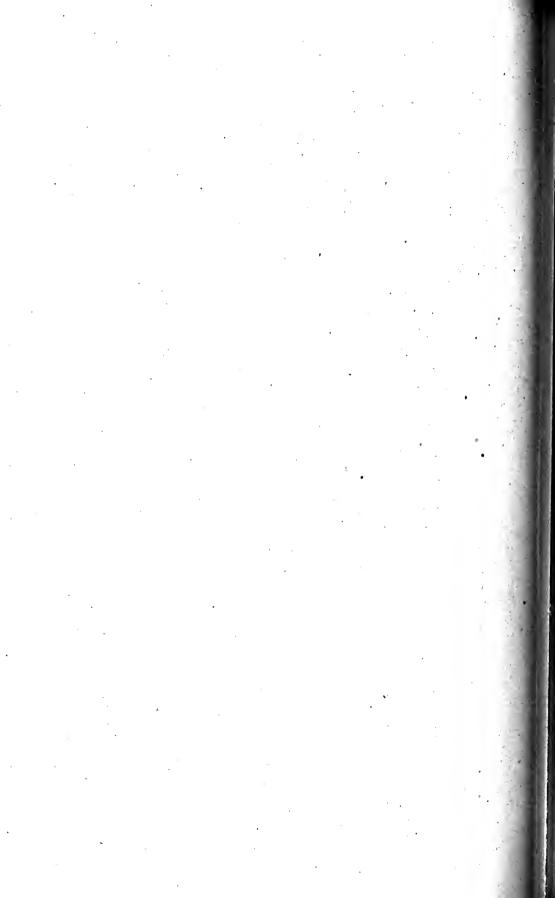
. Short title. 52. This Act may be cited as The Municipal Amendment Act, 1947.

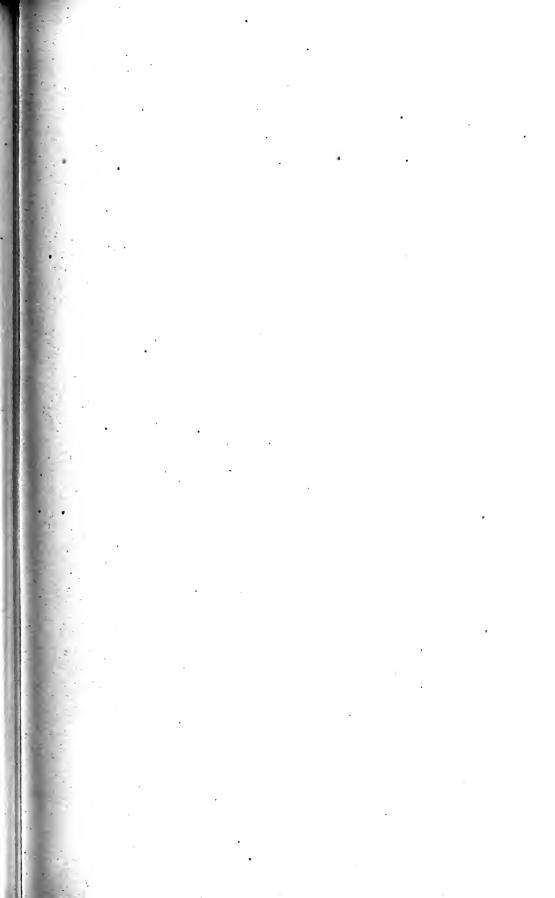
Section 48—Subsection 1. This section, under which the trustees of a police village may, with the consent of the council of the township in which the village is situate, purchase fire-fighting equipment, limits the cost thereof to \$3,000 and requires payment to be made within ten years. The amendment deletes the maximum cost and the maximum period of repayment.

Subsection 2. Complementary to subsection 1.

Section 49. This section, applicable to police villages, is re-enacted in order to bring it into line with the general provisions on the subject, namely, paragraph 16 of section 404. See section 31 (1) of this Bill. For a similar provision, applicable to defined areas of townships, see section 39 (1) of this Bill.

Section 50. The clause now provides a maximum term of ten years for the debentures of a township issued to furnish money for acquiring lands for public parks, etc, in a police village situate in the township. The maximum time is deleted as in all cases the term must be approved by the Ontario Municipal Board and the present limit of ten years may be unduly restrictive.





BILL

An Act to amend The Municipal Act.

1st Reading March 24th, 1947

2nd Reading

3rd Reading

Mr. Dunbar

. (Reprinted as amended by the Committee on Municipal Law.)

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Municipal Act.

Mr. Dunbar

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 104

1947

BILL

An Act to amend The Municipal Act.

IS MAJESTY, by and with the advice and consent of The Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat ..

1. Sections 16 and 17 of *The Municipal Act* are repealed.

re-enacted.

2.—(1) Subsection 1 of section 23 of The Municipal Act, subs. 1 re-enacted by section 2 of The Municipal 4ct, subs. 1 as re-enacted by section 2 of The Municipal Amendment Act, (1939, 1939, is repealed and the following substituted therefor:

- (2) (1) Upon the application of any municipality au-Amalgamations and thorized by by-law of the council thereof or upon annexations. the application of the Minister of Municipal Affairs authorized by the Lieutenant-Governor in Council, or in respect of clause d upon the application of at least twenty-five male inhabitants, being British subjects of the full age of twenty-one years, the Municipal Board may by order on such terms as it may deem expedient,—
 - (a) amalgamate the municipality with any other municipality or municipalities;
 - (b) annex the whole or any part or parts of the municipality to any other municipality or municipalities;,
 - (ϵ) annex the whole or any part or parts of any other municipality or municipalities to the municipality; or
 - (d) annex the whole or any part or parts of any unorganized township or townships to the municipality,

and any such order may amalgamate or annex a greater or smaller area or areas than the area or areas specified in the application, whether or not the municipality, municipalities, unorganized township or unorganized townships in which the area or areas is or are located is or are specified in the application.

Rev. Stat., c. 266, s. 23, subs. 7 (1939, c. 30, s. 2), repealed.

Rev. Stat., c. 266, s. 23, subs. 14 (1939, c. 30, s. 2), re-enacted.

Amalgamation, annexation orders,—when to come into force.

- (2) Subsection 7 of the said section 23, as enacted by section 2 of *The Municipal Amendment Act*, 1939, is repealed.
- (3) Subsection 14 of the said section 23, as enacted by section 2 of *The Municipal Amendment Act*, 1939, is repealed and the following substituted therefor:
 - (14) An amalgamation or annexation order shall not come into force until fourteen days after it is made and if during that period objection thereto is filed with the Municipal Board, the order shall not come into force,—
 - (a) until the objection is withdrawn, in which case the Municipal Board may name the day upon which the order came or will come into force; or
 - (b) until it is confirmed by special Act, in which case the Act shall name the day upon which it came or will come into force.

Rev. Stat., c. 266, ss. 44a, 44b, 44c, 44d (1943, c. 16, s. 1), re-enacted.

3.—(1) Section 44a as enacted by section 1 of The Municipal Amendment Act, 1943, and amended by section 8 of The Municipal Amendment Act, 1946, section 44b as enacted by section 1 of The Municipal Amendment Act, 1943, section 44c as enacted by section 1 of The Municipal Amendment Act, 1943, and amended by section 6 of The Municipal Amendment Act, 1944, and by section 9 of The Municipal Amendment Act, 1946, and section 44d of The Municipal Act, as enacted by section 1 of The Municipal Amendment Act, 1943, are repealed and the following substituted therefor:

Improvement Districts.

Improvement districts,—incorporation.

44a.—(1) The Municipal Board may, upon the application of the Department or not less than thirty male inhabitants of the locality each being a British subject of the full age of twenty-one years, incorporate as an improvement district the inhabitants of any locality having a population of not less than fifty.

Name, boundaries, etc. (2) The Municipal Board shall declare the name the improvement district shall bear in the style of "The Corporation of the Improvement District of ", and shall fix its boundaries and the date when the incorporation is to take effect and may provide for such other matters as may be necessary or expedient in connection with the incorporation and for the carrying on of the locality as an improvement district.

- 44b. Every improvement district shall be subject to Part Rev. Stat., III of The Department of Municipal Affairs Act. Part III. to apply.
- 44c.—(1) Every improvement district shall be deemed to Nature and be for all purposes of every Act a township municipality, a village municipality or a town municipality as may be designated from time to time by the Municipal Board, except that its powers instead of being exercised by a council shall be exercised by a board of three trustees appointed and designated as chairman, vice-chairman and member by the Lieutenant-Governor in Council.
- (2) Two members of the board shall constitute a quorum. Quorum.
- (3) If a vacancy occurs on the board through death, Vacancies resignation or otherwise, the vacancy may be filled and the members redesignated by the Lieutenant-Governor in Council.
- (4) The board, with respect to the improvement district, Board may shall function as such local boards within the meaning as local of The Department of Municipal Affairs Act as may from time to time be designated by the Municipal c. 59.

 Board, and when any such designation is made, the membership of the board with respect to the designated function shall be augmented by the representatives that may be appointed or elected to the local board with a similar function in a township, village or town, as the case may be, and in such case a majority shall constitute a quorum.
- (5) The chairman of the board, with respect to the im-Chairman. provement district, shall have the powers and perform the duties of a mayor or reeve and the chairman of any designated local board and when the locality erected into the improvement district forms part of a county for municipal purposes, he shall be a member of the county council.
- (6) The vice-chairman of the board, during the absence viceof the chairman through illness or otherwise or if chairman, the office of chairman is vacant, shall have all the powers and perform the duties of the chairman.
- (7) The board shall appoint a secretary-treasurer who secretary-may be a member of the board, who shall hold office during pleasure and, with respect to the improvement district, shall have the powers and perform the duties of the clerk, treasurer, assessor and collector of a municipality, and the secretary and treasurer of every designated local board.
- 44d.—(1) When an improvement district has been in Election of existence for more than three years, the board of trustees.

trustees may by by-law, passed with the assent of the resident ratepayers, provide for the election of the members of the board, in which case the provisions of this Act with respect to elections shall apply *mutatis mutandis*.

Chairman and vice-chairman.

(2) At the first meeting of the board after each election, the trustees shall elect one of themselves as chairman and another as vice-chairman.

Improvement districts heretofore erected. (2) The inhabitants of every improvement district heretofore erected shall be deemed to have been incorporated under section 44a of *The Municipal Act* as re-enacted by subsection 1 and the name of every improvement district heretofore erected shall be varied in accordance therewith.

Rev. Stat., c. 266, s. 46, subs. 1, amended.

4.—(1) Subsection 1 of section 46 of *The Municipal Act*, as amended by section 10 of *The Municipal Amendment Act*, 1946, is further amended by striking out the words "Subject to subsection 7" at the commencement thereof, so that the said subsection, exclusive of the clauses, shall now read as follows:

Councils of oities, how composed.

(1) The council of a city shall be composed of a mayor the members of the board of control, if the city has such a board, and

Rev. Stat., c. 266, s. 46, subs. 7, repealed.

(2) Subsection 7 of the said section 46 is repealed.

Rev. Stat., c. 266, s. 47, subs. 2, amended. **5.** Subsection 2 of section 47 of *The Municipal Act* is amended by inserting after the word "councillors" in the third line the words ", or a mayor and seven councillors,", so that the said subsection shall now read as follows:

Councils of towns over 5,000.

(2) If the town has a population of not less than 5,000 the council may provide that the council shall be composed of a mayor and nine councillors, or a mayor and seven councillors, to be elected by general vote.

Rev. Stat., c. 266, s. 48, subs. 1; subs. 2 (1946, c. 60, s. 12, subs. 1), re-enacted

6. Subsection 1 of section 48 of *The Municipal Act*, as amended by subsection 1 of section 3 of *The Municipal Amendment Act*, 1939, and subsection 2 of the said section 48, as reenacted by subsection 1 of section 12 of *The Municipal Amendment Act*, 1946, are repealed and the following substituted therefor:

Councils of towns of more than 5,000 in counties. (1) Where a town in a county has a population of more than 5,000 and less than five wards, the council shall be composed of a mayor, a reeve, a deputy reeve and three councillors for each ward, but if there are five

or more wards the council shall be composed of a mayor, a reeve, a deputy reeve and two councillors for each ward.

- (2) Where the town has less than five wards, the council Alternate may provide that the council shall be composed of a mayor, a reeve, a deputy reeve and two councillors for each ward or that the council shall be composed of a mayor, a reeve, a deputy reeve and six councillors, or a mayor, a reeve, a deputy reeve and four councillors, to be elected by general vote, and where the town has five or more wards, the council may provide that the council shall be composed of a mayor, a reeve, a deputy reeve and one councillor for each ward.
- 7. Clause k of subsection 1 of section 53 of The Municipal Rev. Stat., Act, as amended by section 1 of The Municipal Amendment subs. 1. cl. k Act, 1940, is further amended by striking out the words "or separate school board of a city, town or village, or a member of a high school board" in the first, second and third lines and inserting in lieu thereof the words "separate or high school board", so that the said clause shall now read as follows:
 - (k) a member of a board of education or of a public, separate or high school board, unless he has on or before the day of nomination filed his resignation with the secretary of the board.
- 8. Section 64 of *The Municipal Act*, as re-enacted by section Rev. Stat..

 14 of *The Municipal Amendment Act*, 1946, is amended by (1946, adding thereto the following subsection:

 c. 60, s. 14).
 amended.
 - (3) The council may by by-law passed not later in the Power to year than the 1st day of November fix the place and and hour time of the nomination meeting and when the elec-of nomination for any office is by general vote the by-law may fix different places and times for the nomination meeting for the respective offices and when the election is by wards the by-law may fix the place and the time in each ward for the nomination meeting 'thereof, and the by-law shall remain in force from year to year until repealed.
- 9. Subsections 1 and 2 of section 65 of The Municipal Act, Rev. Stat., as re-enacted by section 14 of The Municipal Amendment Act, subss. 1. 2 1946, are repealed and the following substituted therefor:

 1946, are repealed.
 - (1) The council may, not later in the year than the 1st Power to day of November, fix the day for the meeting of tion and electors for the nomination of candidates for council and for any local board or commission any members

of which are to be elected by ballot by the electors and the day for the polling, provided that the days so fixed occur during the period from the 15th day of November to the 1st day of January both inclusive, and are other than a Sunday or the 24th, 25th or 31st days of December, and that the day fixed for nominations is not less than seven days prior to the day fixed for polling, and the by-law shall remain in force from year to year until repealed.

Time and place of nomination meetings.

(2) The by-law shall fix the place and the time of the nomination meeting, and when the election is by general vote the by-law may fix different places and times for the nomination meeting for the respective offices, and when the election is by wards the by-law may fix the place and the time in each ward for the nomination meeting thereof.

Rev. Stat., c. 266, s. 68 (1946, c. 60, s. 14), re-enacted. 10. Section 68 of *The Municipal Act*, as re-enacted by section 14 of *The Municipal Amendment Act*, 1946, is repealed and the following substituted therefor:

Nomination meetings,—procedure.

68.—(1) The nomination meeting shall be called to order by the returning officer at the place and time called for in the notice mentioned in section 67 and the candidates for each office shall be proposed and recorded seriatim.

Nomination papers.

(2) Every nomination shall be in writing and state the name, residence and occupation of the candidate and shall be signed by the proposer and seconder, both of whom shall be municipal electors and present and shall be filed with the returning officer within an hour from the opening of the nomination meeting.

Effect of non-compliance with subs. 1, 2. (3) Failure to comply with subsection 1 or 2 shall not invalidate any nomination if it is received and acted upon by the returning officer without objection.

When proposed candidate absent.

(4) When a proposed candidate is not present, his nomination paper shall not be valid unless there is attached thereto evidence satisfactory to the returning officer that he consents to be so nominated.

- (5) The name, residence and occupation of every person Posting up nominated for the respective offices shall be posted dates' up as the nomination papers are filed.
- (6) At the nomination meeting or before nine o'clock in Resignation the afternoon of the same day, a candidate may dates. resign in respect of one or more offices for which he is nominated by filing his resignation in writing with the returning officer or the clerk and in default he shall be deemed to be nominated for the office for which he was first nominated.
- (7) When a candidate makes the filings mentioned in Qualificasubsection 1 of section 70 by filing the same with candidate. the returning officer or the clerk at the nomination meeting or before nine o'clock in the afternoon of the same day, he shall be deemed to have resigned as candidate for all other offices for which he was nominated.
- (8) The returning officer shall not close the nomination Close of meeting until such business as he considers may properly be brought before it has been disposed of.
- (9) The treasurer or collector of the municipality shall Furnishing be in attendance at his office, or such place as is fleates. designated by the council, at least one hour prior to the holding of the nomination meeting for the purpose of furnishing the certificates referred to in subsection 1 of section 70.
- **11.** Section 71 of *The Municipal Act*, as re-enacted by Rev. Stat., section 14 of *The Municipal Amendment Act*, 1946, is repealed (1946, and the following substituted therefor:

 c. 60, s. 14), re-enacted.
 - 71. If no more candidates qualify for any office than the Acelamanumber to be elected, the clerk shall forthwith after the expiry of the time prescribed in section 70 declare the candidate or candidates duly elected.
- 12. The Municipal Act is amended by adding thereto the Rev. Stat., following section:
 - 73. If a candidate for any office dies after having qualified New election and before the close of the poll, the returning officer death of shall fix a new day for the nomination of candidates for such office and for polling, and the proceedings in such case shall, as nearly as practicable, be the same as for a new election.

Rev. Stat., c. 266, s. 79, subs. 1 (1946, c. 60, s. 15), amended.

13. Subsection 1 of section 79 of *The Municipal Act*, as re-enacted by section 15 of *The Municipal Amendment Act*, 1946, is amended by adding at the commencement thereof the words "Notwithstanding any general or special Act", so that the said subsection shall now read as follows:

Two-year terms.

(1) Notwithstanding any general or special Act, the council of a local municipality may by by-law passed with the assent of the electors extend the term of office of the members of the council to two years, and may with the like assent repeal such by-law.

Rev. Stat., c. 266, s. 80, amended.

14. Section 80 of *The Municipal Act* is amended by striking out the figure "7" in the first line and inserting in lieu thereof the figure "3", so that the said section shall now read as follows:

Election to be held in municipality.

80. Subject to subsection 3 of section 65 and to section 88, the election shall be held in the municipality.

Rev. Stat., c. 266, s. 113, subs. 1, cl. c. $Municipal\ Act$ is repealed.

Rev. Stat., c. 266, s. 113, subs. 10, repealed; subs. 11, re-enacted.

(2) Subsections 10 and 11 of the said section 113 are repealed the the following substituted therefor:

Declaration of railway employee or commercial traveller. (11) Every railway employee or commercial traveller offering himself as a voter at the polling place, before being allowed to vote, shall be required by the deputy returning officer to make the following declaration, which shall be kept by the deputy returning officer with the other records of the poll:

(Name)	(Address)
	 ilway employee or commercial traveller)
at present employed by	
and that I expect in the co	ourse of my employment to be absent
from this municipality on	polling day, namely, the
day of	, 19
Dated at	this
day of	, 19
Witness:	Name of Voter.

Deputy Returning Officer.

- **16.** Section 140 of *The Municipal Act* is repealed and the Rev. Stat., following substituted therefor:
 - 140.—(1) If, upon the casting up of the votes two or Provision more candidates have an equal number of votes vote.— where both or all of such candidates cannot be necessary. elected, the clerk shall publicly declare the result and put up in a conspicuous place a statement under his hand showing the number of votes for each candidate and shall forthwith notify a judge of the county or district court of the county or district in which the municipality is situate of the result and the judge shall thereupon appoint a time and place to recount the votes cast for such candidates.
 - (2) In such proceedings the provisions of sections 142 and Procedure. 143 shall apply mutatis mutandis.
 - (3) If the certificate of the result of the recount shows When clerk that the candidates still have an equal number of ing vote. votes, the clerk shall forthwith after receiving the certificate give a vote for one or more of the candidates so as to decide the election.
- **17**. Clause b of section 172 of *The Municipal Act* is repealed $\frac{\text{Rev. Stat.}}{\text{c. 266, s. 172,}}$ and the following substituted therefor:
 - (b) "Master" shall mean Master of the Supreme Court, "Master". and shall include Assistant Master.
- **18.** Sections 173, 174, 177, 180, 181, 182, 184, 185, 188, Rev. Stat., 189, 191 and 192 of *The Municipal Act* are amended by striking Part IV, out the words "in chambers" wherever they occur in the said amended. sections.
- 19.—(1) Subsections 1 and 2 of section 205 of *The Munici*-Rev. Stat., pal Act, as re-enacted by section 4 of *The Municipal Amend*-subs. 1, 2 ment Act, 1943, are repealed and the following substituted c. 16, s. 4), re-enacted.
 - (1) The first meeting of the council of a local munici- First meeting of pality shall be held on the second Monday in Janu-council,—ary at eleven o'clock in the forenoon or at such hour cipalities; as may be fixed by by-law, or on such day prior to the second Monday in January and at such hour as may be fixed by by-law.
 - (2) The first meeting of the council of a county shall be county. held on the third Tuesday in January at two o'clock in the afternoon or at such hour as may be fixed by by-law, or on such day prior to the third Tuesday

in January and at such hour as may be fixed by by-law.

Rev. Stat., c. 266, s. 205, subs. 3, amended.

(2) Subsection 3 of the said section 205 is amended by striking out the words "and qualification" in the second line, so that the said subsection shall now read as follows:

Declarations of office before business. (3) No business shall be proceeded with at the first meeting until after the declarations of office have been made by all the members who present themselves for that purpose.

Rev. Stat., c. 266, s. 205, subs. 4, amended. (3) Subsection 4 of the said section 205 is amended by striking out the words "and qualification" in the second and third lines, so that the said subsection shall now read as follows:

When council deemed organized. (4) A council shall be deemed to be organized within the meaning of this Act when the declarations of office have been made by a majority of the members, and it may be organized and business may be proceeded with notwithstanding the failure of any of the other members to make such declarations.

Rev. Stat., c. 266, s. 233, re-enacted. **20**. Section 233 of *The Municipal Act* is repealed and the re-enacted. following substituted therefor:

Substitute for head of council as ex officio member of boards, etc. 233. The council of any municipality may by by-law, passed with the written consent of the head of the council, appoint a member of the council to act in the place of the head of the council on any board, commission or other body of which the head of the council is a member *ex officio* under any general or special Act, except a board of commissioners of police.

Rev. Stat., c. 266, s. 234, subs. 2 (1946, c. 60, s. 25), re-enacted.

21. Subsection 2 of section 234 of *The Municipal Act*, as re-enacted by section 25 of *The Municipal Amendment Act*, 1946, is repealed and the following substituted therefor:

Deputy clerk.

(2) The council may appoint a deputy clerk who shall have all the powers and duties of the clerk under this and every other Act.

Acting clerk.

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties, through illness or otherwise, the council may appoint an acting clerk *protempore* who shall have all the powers and duties of the clerk under this and every other Act.

- 22. Subsection 2 of section 238 of *The Municipal Act*, as Rev. Stat., c. 266, s. 238, re-enacted by section 27 of *The Municipal Amendment Act*, subs. 2 (1946, s. 27), re-enacted.
 - (2) The council may appoint a deputy treasurer who Deputy shall have all the powers and duties of the treasurer treasurer under this and every other Act.
 - (3) When the office of treasurer is vacant or the treasurer Acting is unable to carry on his duties through illness or treasurer, otherwise, the council may appoint an acting treasurer pro tempore who shall have all the powers and duties of the treasurer under this and every other Act.
- 23.—(1) Subsection 1a of section 248 of The Municipal Rev. Stat., Act, as enacted by subsection 2 of section 32 of The Municipal subs. 1a, Amendment Act, 1946, is repealed and the following sub-(1946, c. 60, s. 32, subs 2), re-enacted.
 - (1a) Where a local board functions in more than one where local municipality, the accounts and transactions thereof board in shall be audited by an auditor of the municipality one municipality one municipality one municipality one municipality. In which the local board functions most, and in the event of disagreement as to the proper auditor the matter upon application may be determined by the Department.
- (2) Subsection 2 of the said section 248 is repealed and the Rev. Stat., c. 266, s. 248, subs. 2, respected
 - (2) No person shall be appointed an auditor who is or Disqualification for the preceding year a member of a munition for cipal council or a local board or who has or had auditor. during the preceding year any direct or indirect interest in any contract with a municipality or a local board or any employment with any of them other than as an auditor.
- **24.** Section 249 of *The Municipal Act*, as re-enacted by Rev. Stat., section 18 of *The Municipal Amendment Act*, 1944, is repealed (1944, c. 39, s. 18), re-enacted.
 - 249. An auditor shall perform such duties as are pre-Duties of scribed by the Department and also such duties as may be required by the council or any local board that do not conflict with the duties prescribed by the Department.
- **25.**—(1) Subsection 2 of section 257 of *The Municipal Act* Rev. Stat., is amended by adding at the end thereof the words "and shall subs. 2, be in such form and on such terms as the Department may approve", so that the said subsection shall now read as follows:

Nature of security.

Rev. Stat., c. 263.

(2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company within the meaning of *The Guarantee Companies Securities Act* and shall be in such form and on such terms as the Department may approve.

Rev. Stat., c. 266, s. 257, subs. 4, re-enacted.

(2) Subsection 4 of the said section 257 is repealed and the following substituted therefor:

Inspection and return as to security.

(4) The council shall forthwith after the production thereof direct where and with whom the bonds, policies
and guarantee contracts given under this section
shall be deposited for safe keeping and where the
same shall be available for inspection by the auditor
and the auditor shall in his annual report to the
Department include such information with respect
to the same as may be required by the Department.

Rev. Stat., c. 266, s. 303 of *The Municipal Act* is repealed and the re-enacted. following substituted therefor:

Time for making application to quash.

303. An application to quash, in whole or in part, a by-law, except a money by-law registered under section 314, shall not be entertained unless made within one year after the passing of the by-law, but if the by-law required the assent of the electors and was not submitted for or did not receive such assent, the application may be made at any time.

Rev. Stat., c. 266, s. 307, subs. 2, amended.

27.—(1) Subsection 2 of section 307 of *The Municipal Act* is amended by inserting after the word "insurance" in the first and second lines the words "or enters into an arrangement to provide pensions under paragraph 41a of section 404 or grants a retiring allowance under section 265", so that the said subsection shall now read as follows:

Premium note, pensions, retiring allowance.

(2) Where a corporation gives a premium note for fire insurance or enters into an arrangement to provide pensions under paragraph 41a of section 404 or grants a retiring allowance under section 265, it shall not be deemed to be incurring a debt, the payment of which is not provided for in the estimates for the current year, as provided by subsection 1.

Retrospective effect. (2) Subsection 1 shall be deemed to have come into effect on the 26th day of June, 1939.

Rev. Stat., c. 266, s. 307, (3) Clause aa of subsection 3 of the said section 307, as subs. 3, cl. aa re-enacted by section 39 of *The Municipal Amendment Act*, (1946, s. 39), 1946, is amended by striking out the words, figures and letter amended.

"or section 404a" in the second and third lines, so that the said clause shall now read as follows:

- (aa) for borrowing money for any of the purposes mentioned in paragraph 28, 30 or 41a of section 404, or in paragraph 1, 1a or 2 of section 414: or
- **28.**—(1) Subsection 5 of section 314 of *The Municipal Act* ^{Rev. Stat.,} is amended by striking out the words "or where publication subs. 5, amended." of the notice provided for by subsection 3 is required within three months after the first publication of the notice" in the eighth, ninth and tenth lines, so that the said subsection shall now read as follows:

(5) Every by-law registered in accordance with the pro-Time for visions of subsection 1, or before the sale or other plication to disposition of the debentures issued under it, and registered the debentures shall be valid and binding, according by-law. to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws to which subsection 4 applies, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought is registered in such registry office within such period of three months, or one month, as the case may be.

- (2) Subsection 10 of the said section 314 is amended by Rev. Stat., striking out the words "or to publish notice of the registration subs. 10. of a by-law" in the first and second lines, so that the said subsection shall now read as follows:
 - (10) Failure to register a by-law, as prescribed by this Failure to register. section, shall not invalidate it.
- 29. Subsection 2 of section 316a of The Municipal Act, as Rev. Stat.. enacted by section 6 of The Municipal Amendment Act, 1943, s. 316a. is amended by adding at the end thereof the words "and the (1943, earnings derived from the investment of such moneys shall amended. form part of the reserve fund", so that the said subsection shall now read as follows:
 - (2) The moneys raised for a reserve fund established Investment of reserve under subsection 1 shall be paid into a special ac-fund count and may with the approval of the Department be invested in such securities as a trustee may

Rev. Stat., c. 165.

invest in under The Trustee Act, or be paid to the Treasurer of Ontario in which case the provisions of sections 328 and 329 shall mutatis mutandis apply. and the earnings derived from the investment of such moneys shall form part of the reserve fund.

Rev. Stat., c. 266, amended.

30. The Municipal Act is amended by adding thereto the following section:

Tenders for debentures. 338b. When a municipal corporation intends to borrow money on debentures under this or any other Act, the council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Rev. Stat., c. 266, s. 404, par. 16 (1946, c. 60, s. 48, subs. 2). amended.

31.—(1) Paragraph 16 of section 404 of The Municipal Act, as re-enacted by subsection 2 of section 48 of The Municipal Amendment Act, 1946, is amended by striking out the words "as may be deemed expedient" in the fifth and sixth lines and inserting in lieu thereof the words "based on cost as may be agreed upon or failing agreement as may be determined by the Municipal Board", so that the said paragraph shall now read as follows:

Fire protection agreements

16. For entering into agreement with any other municipality or person for the use of the fire-fighting equipment, or any of it, of the municipality or of such other municipality or person upon such terms and conditions and for such consideration based on cost as may be agreed upon or failing agreement as may be determined by the Municipal Board, provided that notwithstanding the provisions of any such agreement no liability shall accrue to the municipality or person for failing to supply the use of the fire-fighting equipment, or any of it.

Proviso

par 41a.

cl. a, subcl. i

s. 23, subs. 2)

Rev. Stat., c. 266, s. 404, (2) Subclause i of clause a of paragraph 41a of the said section 404, as enacted by subsection 2 of section 23 of The Municipal Amendment Act, 1939, and amended by subsection (1939, c. 30. 6 of section 36 of The Municipal Amendment Act, 1944, is repealed and the following substituted therefor:

re-enacted. "Employee".

(i) "Employee" shall mean any salaried officer, clerk, workman, servant or other-person in the employ of the municipality or of a local board and shall include any person designated as an employee by the Minister.

32.—(1) Section 405 of *The Municipal Act* is amended by Rev. Stat. c. 266, s. 405, adding thereto the following paragraphs: amended.

Fire halls, Fire-fighting Equipment.

30a. For acquiring land and erecting thereon a fire hall Fire halls, and for purchasing and installing fire engines, equipment. apparatus and appliances for fire-fighting and fire protection, and for issuing debentures therefor without the assent of the electors.

Heating and Cooking Equipment.

39a. For regulating, controlling and inspecting heating Heating and and cooking appliances, or any classes thereof, the equipment. installation thereof and the storage of fuel for use in connection therewith.

Lodging-houses.

- 40a. For licensing, regulating and governing lodging-Lodging-houses, and the keepers of lodging-houses, and for houses. revoking any such licence.
 - (a) Lodging-house shall mean any house or other building or portion thereof in which persons are harboured, received, or lodged for hire but shall not include an hotel, hospital, home for the young or the aged or institution, provided the hotel, hospital, home or institution is licensed, approved or supervised under any general or special Act.
 - (b) A by-law passed under this section may provide for the licensing, regulating and governing of any class or classes of lodging-houses or lodging-house keepers, and may provide for the issue and revocation of licenses by the local board of health and for prohibiting the use of premises licensed under the by-law except for the purposes for which the license was issued and may fix the license fee for any class or classes of lodging-houses in accordance with a scale for each class or the number of inmates permitted in the lodging-house.
- 47a. Notwithstanding any other Act, for laying, or Laying of maintaining, or for authorizing any person to lay, oil, etc. use or maintain pipes or conduits for transmitting gasoline, oil, anti-freeze, brine or other similar products along, under, in or upon highways or land owned by the municipality; and for making such annual or other charge for the privilege conferred as the council may deem reasonable; and for entering into agreements with persons for the use by them of

such pipes or conduits on such terms and conditions as may be agreed upon.

(a) Such annual or other charge and any expense incurred by the corporation in restoring the highway to its former condition shall be payable and payment may be enforced in like manner as taxes.

Telephone booths.

47b. For authorizing the erection of public telephone booths upon the highways or lands of the municipality upon such terms and conditions as may be agreed upon; and for making such annual or other charge for the privilege conferred as the council may deem reasonable.

Rev. Stat., c. 266, s. 405, (2) Paragraph 69 of the said section 405, as enacted by par. 69 (1944 subsection 3 of section 38 of *The Municipal Amendment Act*, subs. 3). 1944, is repealed.

Existing pipe-line agreements.

(3) Every agreement now in force with respect to pipes or conduits that conforms with paragraph 47a of section 405 of *The Municipal Act* as enacted by subsection 1 shall be deemed to have been made pursuant to the authority of the said paragraph.

Rev. Stat., c. 266, s. 407, par. 3a (1946, c. 60, s. 51, subs. 1), repealed.

33.—(1) Paragraph 3a of section 407 of The Municipal Act, as enacted by subsection 1 of section 51 of The Municipal Amendment Act, 1946, is repealed.

Rev. Stat., c. 266, s. 407, par. 14, repealed.

(2) Paragraph 14 of the said section 407 is repealed.

Rev. Stat., c. 266, s. 407, par. 16, repealed.

(3) Paragraph 16 of the said section 407 is repealed.

Rev. Stat., c. 266, s. 408, par. 10, amended.

34.—(1) Paragraph 10 of section 408 of *The Municipal Act* is amended by striking out all the words after the word "machines" in the second line, so that the said paragraph shall now read as follows:

Fees.

10. For imposing, levying and collecting fees for the use of such weighing machines.

Rev. Stat., c. 266, s. 408, par. 11, cl. d, repealed.

(2) Clause d of paragraph 11 of the said section 408 is repealed.

Rev. Stat., c. 266, s. 408, par. 12, cl. iv, amended.

- (3) Clause iv of paragraph 12 of the said section 408 is, amended by striking out all the words after the word "imposed" in the first line, so that the said clause shall now read as follows:
 - (iv) to pay such fee for measuring as may be imposed.

35. Subsections 7 and 8 of section 409 of The Municipal subsections 7, 8, Act are repealed.

36. Paragraph 4 of section 414 of The Municipal Act, as c. 266, s. 414, amended by section 40 of The Municipal Amendment Act, repealed. Rev. Stat. 1944, is repealed.

c. 266, s. 416, repealed.

37. Section 416 of *The Municipal Act* is repealed.

Rev. Stat., c. 266, s. 423, **38.** Paragraph 4, as amended by subsection 2 of section 17 repealed. of The Municipal Amendment Act, 1941, and paragraph 8 of Rev. Stat. section 423 of The Municipal Act are repealed.

par. 2 repealed.

• 39.—(1) Paragraph 2 of section 425 of The Municipal Act, Rev. Stat.. as amended by subsection 2 of section 55 of The Municipal c. 266. s. 425. Amendment Act, 1946, is repealed.

re-enacted.

- (2) Paragraph 4 of the said section 425, as amended by Area firesubsection 3 of section 55 of The Municipal Amendment Act, agreements. 1946, is repealed and the following substituted therefor:
 - 4. For entering into agreement with any other municipality or person upon such terms and conditions and for such consideration based on cost as may be agreed upon or failing agreement as may be determined by the Municipal Board for the use of the fire-fighting equipment of such municipality or person, or any of it, in the event of fire in any defined area of the township, and for levying a special annual rate on all the rateable property in such area to defray the expenses incurred under and incidental to the agreement, provided that notwithstanding the provisions of any such agreement no liability shall accrue to the municipality or person for failing to supply the use of the fire-fighting equipment, or any of it.
- (3) The said section 425 is further amended by adding Rev. Stat... c. 266, s. 425, thereto the following paragraph: amended.
 - 18. For exercising in respect of the township or any Extension defined area thereof the powers conferred on the of utilities. councils of urban municipalities by paragraph 2 of section 407, in which case the said paragraph shall apply mutatis mutandis to the township or any defined area thereof.
- **40.** Paragraph 1 of section 427 of *The Municipal Act*, as Rev. Stat., re-enacted by section 16 of *The Municipal Amendment Act*, par. 1 (1943, 1943, is amended by inserting after the figure and letter amended. "2a" in the second line the word and figure "and 5", so that the said paragraph shall now read as follows:
 - Garbage, · 1. For exercising the powers conferred on cities and ashes, lavatories, etc. towns by paragraphs 1 to 2a and 5 of section 414.

Rev. Stat., c. 266, amended.

- **41**. The Municipal Act is amended by adding thereto the following section:
 - 428. By-laws may be passed by the councils of towns, villages and townships and by boards of commissioners of police in cities:

Teamsters, cab owners, cab drivers, vehicles for hire, etc. 1. For licensing, regulating and governing teamsters, carters, draymen, owners and drivers of cabs, buses, motor or other vehicles used for hire; for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within the municipality or to any point not more than three miles beyond its limits, and for providing for the collection of such rates or fares; and for revoking any such license.

Livery stables.

2. For licensing, regulating and governing keepers of livery stables and of horses used for hire.

Rev. Stat., c. 266, s. 433, par. 1, amended.

42.—(1) The first eleven lines of paragraph 1 of section for the Municipal Act are repealed and the following substituted therefor:

Licensing, etc., salesmen.

1. For licensing, regulating and governing persons who go from place to place or to a particular place with goods, wares or merchandise for sale, or who carry and expose samples, patterns or specimens of any goods, wares or merchandise which is to be delivered in the municipality afterwards.

Rev. Stat., c. 266, s. 433, par. 1, cl. a, and the following substituted therefor: re-enacted.

When license not required.

- (a) No such license shall be required for hawking, peddling or selling goods, wares or merchandise,
 - (i) to wholesale or retail dealers in similar goods, wares or merchandise, or
 - (ii) if the goods, wares or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or his agent or employee having written authority so to do, in the municipality in which the grower, producer or manufacturer resides, or

- (iii) if the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of his own farm.
- (3) Clause e of paragraph 1 of the said section 433 is Rev. Stat., repealed. section 433 is Rev. Stat., par. 1, cl. e, repealed.
- **43.**—(1) Section 439 of *The Municipal Act* is amended Rev. Stat., by adding thereto the following paragraph:

Coal Dealers, etc.

- 1a. For licensing, regulating and governing dealers in Licensing, coal, coke, oil or other fuel and for revoking or sus-dealers. pending the license of any such dealer.
 - (a) The fee for such license shall not exceed \$5 per year.
 - (b) A by-law passed under this paragraph shall include dealers in coal, coke, oil or other fuel who by themselves or their employees, agents, canvassers or solicitors take orders for or deliver fuel within the municipality.
- (2) Clause f of paragraph 6 of the said section 439 is Rev. Stat., c. 266, s. 439, par 6, cl. f, re-enacted.
 - (f) The sum paid for a license shall be credited to the Credit of person paying it, or to any bona fide purchaser of the fees on taxes business who carries on the same on account of taxes payable in respect of the business during the year in which the license was issued and five years thereafter.
- **44.** Paragraph 1 of section 441 of *The Municipal Act* is Rev. Stat., c. 266, s. 441, par. 1, repealed.
- **45.** Section 442 of *The Municipal Act*, as amended by Rev. Stat., section 13 of *The Municipal Amendment Act*, 1938, and sec-c. 266, s. 442. tion 60 of *The Municipal Amendment Act*, 1946, is repealed.
- **46.** Clause b of subsection 1 of section 445 of *The Municipal* Rev. Stat., c. 266, s. 445, as re-enacted by section 46 of *The Municipal Amendment* subs. 1, cl. b (1944, c. 39, s. 46), repealed.
- **47**. Subsection 1 of section 540 of *The Municipal Act* is Rev. Stat., amended by striking out the words "payable on the instal-subs. 1, ment plan, at such time within ten years and in such manner amended. as the trustees may request" at the end thereof.

Rev. Stat., c. 266, s. 541, subs. 1, amended.

48.—(1) Subsection 1 of section 541 of *The Municipal Act* is amended by striking out all the words after the word "protection" in the fourth line, so that the said subsection shall now read as follows:

Purchase of fire engines and appliances with consent of township council. (1) The trustees may, with the consent of the council of the township in which the village is situate expressed by by-law or resolution, purchase fire engines and appliances for fire protection.

Rev. Stat., c. 266, s. 541, striking out all the words after the word "township" in the fourth line, so that the said subsection shall now read as follows:

Township to pass debenture by-law.

(2) Upon the purchase being made, the council of the township shall pass a by-law for raising the amount of the purchase money by the issue of debentures of the corporation of the township.

Rev. Stat., c. 266, s. 542, re-enacted. following substituted therefor:

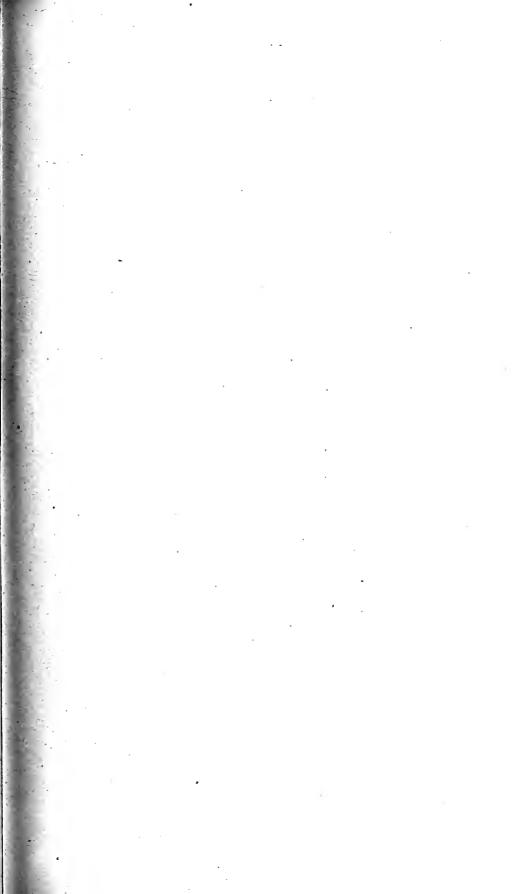
Fireprotection agreements.

542. The trustees may enter into agreement with any municipality for the use of the fire-fighting equipment, or any of it, of the village upon such terms and conditions and for such consideration based on cost as may be agreed upon or failing agreement as may be determined by the Municipal Board, provided that notwithstanding the provisions of any such agreement no liability shall accrue to the trustees for failing to supply the use of the fire-fighting equipment, or any of it.

Proviso.

- Rev. Stat. 50. Clause b of subsection 3 of section 543 of The Municipal subs. 3, cl. b, Act is amended by striking out the words "on the instalment plan, payable within ten years" in the second and third lines, so that the said clause shall now read as follows:
 - (b) such money be raised by the issue of debentures of the corporation of the township.
- Commencement of Act. 1947. This Act shall come into force on the 1st day of June, 1947.

Short'title. **52.** This Act may be cited as The Municipal Amendment Act, 1947.



An Act to amend The Municipal Act.

1st Reading
March 24th, 1947

2nd Reading March 28th, 1947

3rd Reading

April 2nd, 1947

Mr. Dunbar

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Planning Act, 1946.

MR. PORTER

EXPLANATORY NOTES

SECTION 1. The meaning of the expression "official plan" is clarified.

Section 2. The present provisions of the Act are adequate for most cases. The new section provides for the exceptional case and permits a planning board to be established and to function in a manner that will be suitable to the needs of the planning area.

Section 3. The section as re-enacted will extend the financing section of the present Act to permit grants in aid to be made to a planning board by any municipality in the planning area and by the county in which a planning area is established.

No. 105

1947

BILL

An Act to amend The Planning Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Clause g of section 1 of *The Planning Act*, 1946, is re- 1946, is re- 1946, pealed and the following substituted therefor: cl. g. re-enacted.
 - (g) "official plan" shall mean a plan consisting of maps "official and texts prepared and recommended by the planning board and adopted and approved as provided in this Act, covering a planning area or any part thereof, showing a programme of development, or any part thereof, designed to secure the health, safety, convenience or welfare of the inhabitants of the area, and without limiting the generality of the foregoing and in order to promote the best use of the land in the area, an official plan may provide for the regulation of the use of land, buildings and structures and the location of buildings and structures.
- **2**. The Planning Act, 1946, is amended by adding thereto 1946. c. 71, the following section:
 - 4a. Notwithstanding sections 2, 3 and 4, the Minister Minister may, in order to suit the special needs of any planning planning area, vary the constitution of the board, the procedures by which it is appointed and the manner in which it shall function.
- **3.** Section 6 of *The Planning Act*, 1946, is repealed and the 1946, c. 71, s. 6, re-enacted.
 - 6.—(1) The planning board shall submit annually to the Finances. council an estimate of its financial requirements for the year and the council may amend such estimate and shall pay to the secretary-treasurer of the board out of the moneys appropriated for the board such amounts as may be requisitioned from time to time.

Grants in aid,—
local municipalities;

(2) Any municipality within or partly within a planning area may make grants of money to the planning board.

counties.

(3) The county in which a planning area or part thereof is situated may make grants of money to the planning board.

1946, c. 71, s. 11, amended. **4**. Section 11 of *The Planning Act*, 1946, is amended by adding at the end thereof the words "provided that the Minister may approve any alteration or addition that may be proposed by the council of any municipality", so that the said section shall now read as follows:

Alterations and additions. 11. The provisions of this Act with respect to an official plan shall apply *mutatis mutandis* to alterations and additions thereto, provided that the Minister may approve any alteration or addition that may be proposed by the council of any municipality.

1946, c. 71, s. 12, re-enacted.

5. Section 12 of *The Planning Act*, 1946, is repealed and the following substituted therefor:

Non-conforming by-laws prohibited.

12. Notwithstanding any other Act, where an official plan is in effect no by-law shall be passed for any purpose that does not conform therewith.

1946, c. 71, s. 13, re-enacted. **6**. Section 13 of *The Planning Act*, 1946, is repealed and the following substituted therefor:

Conflict.

13. Where there is conflict between an official plan and any by-law, the official plan shall prevail.

1946, c. 71, s. 14, re-enacted. **7**. Section 14 of *The Planning Act*, 1946, is repealed and the following substituted therefor:

Committee of adjust-ment.

14.—(1) Where an official plan is implemented by one or more by-laws, the planning board of the municipality that passed the by-law or by-laws may constitute itself or any of its members as a committee of adjustment, unless and until the council constitutes such a committee composed of such persons as the council, subject to the approval of the Minister, may deem advisable.

Term of office.

(2) The members of a committee shall remain in office during the pleasure of the board or council, as the case may be.

Quorum.

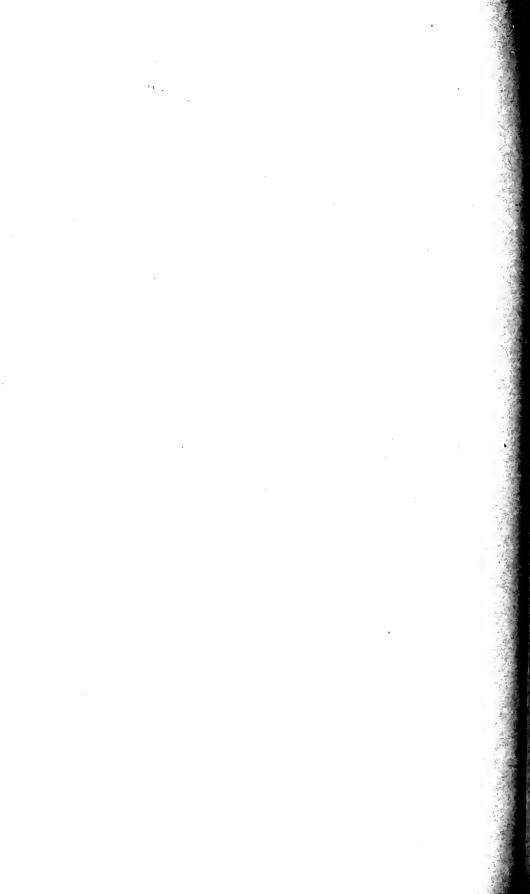
(3) Two members or one-third of the members of the committee, whichever is greater, shall constitute a quorum.

SECTION 4. The words added will provide an alternative means of altering or adding to an official plan, designed to prevent the frustration of the council of any municipality other than the designated municipality, in a planning area where the council and the planning board disagree as to the merits of a proposed alteration or addition to the official plan.

SECTION 5. Self-explanatory.

SECTION 6. The present section is restricted to conflict between an official plan and a by-law passed under section 406 of *The Municipal Act*, i.e., a restricted area by-law.

SECTION 7. This provision is new. It provides for committees of adjustment to deal with applications for exemption or partial exemption from any by-law that implements an official plan in order to give relief in cases in which strict compliance with the by-law would result in undue hardship or practical difficulties providing that no objection is raised and that the purpose of the by-law is maintained.



- (4) The members of a committee shall elect one of them-Chairman selves as chairman, and when the chairman is absent through illness or otherwise the committee may appoint another member to act as chairman *pro tempore*.
- (5) The committee shall appoint a secretary-treasurer Secretary-who may be a member of the committee.
- (6) The committee, upon the application of the owner of Powers of land affected by any by-law that implements an official plan, may, notwithstanding any other Act, exempt or partly exempt the land from the operation of the by-law, provided that the general purpose of Proviso. the by-law and the official plan is maintained and that no objection to the application has been tendered or if tendered, not withdrawn.
- (7) The committee shall, before hearing an application, Notice. give notice thereof in such manner and to such persons as the committee shall deem proper.
- (8) The committee may require that a fee of not more Feesthan \$25 be paid on every such application.
- (9) At the place and time appointed for the hearing the Hearing. committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision.
- (10) When the decision of the committee does not exempt Decision not or partially exempt land from the operation of the by-law, the committee shall put its decision in writing and send a copy thereof, signed by the secretary-treasurer, to the applicant.
- (11) When the decision of the committee exempts or Decision to partly exempts land from the operation of the by-law, the committee shall put its decision in writing and send two copies thereof, signed by the secretary-treasurer, to the Minister.
- (12) The Minister shall receive the decision of the com-Review. mittee and may approve, reverse or vary the same in any manner that he deems proper.
- (13) As approved, reversed or varied by the Minister, Effect of the decision shall be final and binding and a notice thereof shall be sent by the Minister to the committee and the committee shall thereupon notify the applicant of the result.

1946, c. 71, s. 15, subs. 2, re-enacted.

8. Subsection 2 of section 15 of *The Planning Act, 1946*, is repealed and the following substituted therefor:

Powers of designated municipality.

(2) For the purpose of developing any feature of the official plan the designated municipality, with the approval of the Minister, may exercise any of the powers mentioned in subsection 1 in respect of land within the planning area.

Powers of county.

(3) For the purpose of developing any feature of any official plan, a county, with the approval of the Minister, may exercise any of the powers mentioned in subsection 1 with respect to the land within the county.

Contributions to cost.

(4) Any county or municipality may contribute towards the cost of acquiring land under this section.

1946, c. 71, s. 23, re-enacted.

9. Section 23 of *The Planning Act*, 1946, is repealed and the following substituted therefor:

Urban development areas.

- 23.—(1) The council may by by-law designate any area within the municipality as an urban development area and thereupon no person shall convey land in the area by way of a deed or transfer on any sale or enter into an agreement of sale and purchase or enter into any agreement that has the effect of granting the use of or right in the land directly or by entitlement to renewal for a period of twenty-one years or more,—
 - (a) unless the land is described in accordance with and is within a registered plan of subdivision;
 - (b) unless the land is more than ten acres in area;
 - (c) unless the land is the whole part remaining to the person of one parcel described in a registered conveyance to him; or
 - (d) unless the consent of the planning board, if any, or where there is a subsidiary planning area, the planning board thereof, or the Minister, is given.

Lodging of copies of by-law.

(2) At least two, or as many as may be required, certified copies of the by-law shall be lodged in the office of the Minister where the same shall be available for public inspection during office hours and in the proper registry office where the same shall be made available

Section 8. Subsection 1 of section 15 of the Act enables municipalities, with the approval of the Minister, to acquire and hold land for the purpose of developing any feature of an official plan.

Subsections 2, 3 and 4 are supplemental and are self-explanatory.

Section 9. The section is designed to give municipalities a reasonable degree of control of the development of areas that are about to be built up, without placing undue hardship on land-owners.

Section 10. This provision is new. It provides a penalty for failure to comply with the Minister's order in which he exercises the powers conferred upon councils by section 406 of *The Municipal Act* (restricted areas), or exercises the powers conferred upon councils to designate urban development areas under *The Planning Act*.

Section 11—Subsection 1. Under subsection 1 as re-enacted the procedure is simplified by requiring eight copies of the draft plan to be forwarded to the Minister, instead of four copies to the Minister and where the land is not situate within a planning area, two copies to the council of the municipality in which the land is situate, or where the land is situate in a planning area, two copies to the planning board and where the land is situate in a subsidiary planning area, two copies to each planning board.

Subsection 2. The additional information required is a necessary factor to be considered in determining the suitability of the land for the proposed subdivision.

Subsection 3. The words added to the clause constitute a factor that should be regarded in considering the suitability of a draft plan of subdivision.

to the public as productions and the by-law shall be entered in the abstract index of the lots affected.

- (3) When an area is designated as an urban development Alteration area it shall not be altered or dissolved without the tion. approval of the Minister.
- (4) Every person who contravenes this section shall be Penalty. guilty of an offence and liable to a penalty of not more than \$500, recoverable under The Summary Rev. Stat., Convictions Act.
- **10.** Section 24 of *The Planning Act*, 1946, is amended by $^{1946}_{c,71,s,24}$, adding thereto the following subsection:
 - (3) Every person who contravenes an order of the Minis-Penalty. ter made under this section shall be guilty of an offence and liable to a penalty of not more than \$500, recoverable under *The Summary Convictions* Rev. Stat.. Act.
- 11.—(1) Subsection 1 of section 25 of *The Planning Act*, ¹⁹⁴⁶_{c. 71, s. 25.}
 1946, is repealed and the following substituted therefor:

 subs. 1, re-enacted.
 - (1) When land is to be subdivided for the purpose of Application being sold, conveyed or leased in lots by reference of subto a registered plan of subdivision, the person desiring plans. to register the plan shall forward at least eight, or as many as may be required, copies of a draft plan thereof drawn to scale together with an application for approval, to the Minister.
- (2) Clause f of subsection 2 of the said section 25 is amended 1946. c. 71. s. 25, by adding at the end thereof the words "and anything within subs. 2. cl. f. or adjacent to such land that constitutes a fire hazard to the proposed subdivision", so that the said clause shall now read as follows:
 - (f) natural and artificial features such as buildings, railways, highways, watercourses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided, and anything within or adjacent to such land that constitutes a fire hazard to the proposed subdivision.
- (3) Clause d of subsection 4 of the said section 25 is amended $\frac{1946}{\text{c. }71, \text{ s. }25}$, by adding at the end thereof the words "and the highways subs. 4, cl. d, linking the highways in the proposed subdivision with the established highway system in the vicinity, and the adequacy thereof", so that the said clause shall now read as follows:

(d) the number, width, location and proposed grades and elevations of highways, and the adequacy thereof, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity, and the adequacy thereof.

1946, c. 71, s. 25, subs. 6, amended.

(4) Subsection 6 of the said section 25 is amended by striking out the words, "The Surveys Act, The Registry Act or The Land Titles Act" in the third and fourth lines and inserting in lieu thereof the words "The Surveys Act and The Registry Act or The Surveys Act and The Land Titles Act", so that the said subsection shall now read as follows:

When draft plan approved.

- Rev. Stat., cc. 232; 170; 174.
- (6) When the draft plan is approved, the person desiring to subdivide may proceed to lay down the highways and lots upon the ground in accordance with *The Surveys Act* and *The Registry Act* or *The Surveys Act* and *The Land Titles Act*, as the case may be, and to prepare a plan accordingly certified by an Ontario land surveyor.

1946, c. 71, s. 25, amended. (5) The said section 25 is further amended by adding thereto the following subsection:

Dedication of land for public and highway purposes.

(4a) The Minister may impose as a condition to the approval of a plan of subdivision that not more than five per centum of the land therein shall be dedicated for public purposes, other than highways, and that highways shall be dedicated adequate for the needs of the subdivision, and when the subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, shall be dedicated to provide for the widening of the highway to a width of not more than forty-three feet from the centre line of the highway as originally established.

1946, c. 71, s. 26, re-enacted. **12**. Section 26 of *The Planning Act*, 1946, is repealed and the following substituted therefor:

Right to restrain.

26. In addition to any other remedy or penalty provided by law, any contravention of a by-law that implements an official plan may be restrained by action at the instance of the planning board of the planning area in which the contravention took place or any municipality within or partly within such planning area or any ratepayer of any such municipality and any contravention of an order of the Minister made under section 24 may be restrained by action at the instance of the Minister or the municipality in which the contravention took place or any adjoining muni-

Subsection 4. The subsection is clarified.

Subsection 5. Self-explanatory.

Section 12. The present section 26, which provides that every lot laid out on a plan of subdivision shall front or abut on a public highway, is repealed and a section substituted providing a right to distrain in cases where an official plan or a Minister's order under section 24 of the Act is contravened.

Section 13. Subsection 1 is similar to the present section 28 except that "consent" has been added to cover clause d of subsection 1 of section 23 of the Act. See section 9 of this Bill.

Subsection 2 of section 28 is new. It is added in order to make official plans and plans of subdivision effective in cases in which, through inadvertance or expediency, the procedural sections of the Act have not been followed strictly.

Section 14. This new section is added in order to ensure that uniform practices will be followed in planning matters, particularly with respect to plans of subdivision.

SECTION 15. The Planning and Development Act is now spent. It is therefore repealed.

cipality or any ratepayer of any such municipality or adjoining municipality.

- **13.** Section 28 of *The Planning Act*, 1946, is repealed and $^{1946}_{c.71, s.28}$, the following substituted therefor:
 - 28.—(1) When under this Act the approval or consent of Reference the Minister is applied for, the Minister may, and Board. upon application therefor shall, refer the matter to the Ontario Municipal Board in which case the approval or consent, as the case may be, of the Board shall have the same force and effect as if it were the approval or consent of the Minister.
 - (2) When under this Act the approval of the Minister is Effect of given, the signature of the Minister or the seal of the Ontario Municipal Board, as the case may be, by which the approval is evidenced shall be conclusive evidence that the provisions of this Act leading to such approval have been complied with.
- **14.** The Planning Act, 1946, is amended by adding thereto $^{1946}_{c.71}$, the following section:
 - 28a. In the event of conflict between the provisions of Conflict. this and any other general or special Act, the provisions of this Act shall prevail.
- **15.** Section 29 of *The Planning Act*, 1946, is repealed and ¹⁹⁴⁶_{c. 71, s. 29}, the following substituted therefor:
 - 29. The Planning and Development Act is repealed.

 Rev. Stat., c. 270, repealed.
- **16.** This Act shall come into force on the day upon which Commenceit receives the Royal Assent.
- 17. This Act may be cited as The Planning Amendment Short title. Act, 1947.

An Act to amend The Planning Act, 1946.

Ist Reading March 24th, 1947

2nd Reading

3rd Reading

Mr. Porter

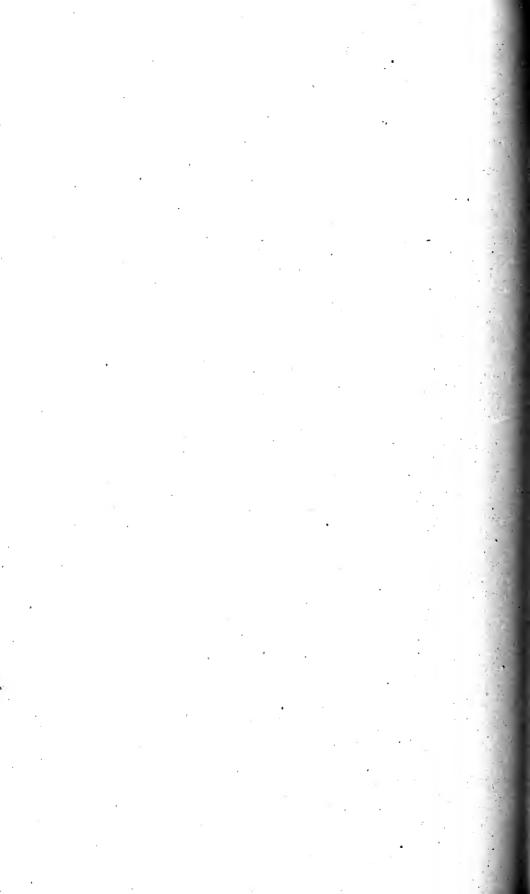
3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Planning Act, 1946.

MR. PORTER

TORONTO
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No. 105

1947

BILL

An Act to amend The Planning Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Clause g of section 1 of *The Planning Act*, 1946, is re-\frac{1946}{c.71, s. 1,} pealed and the following substituted therefor:

 1. Clause g of section 1 of *The Planning Act*, 1946, is re-\frac{1946}{c.71, s. 1,} el. g.

 1. re-enacted.
 - (g) "official plan" shall mean a plan consisting of maps "official and texts prepared and recommended by the planning board and adopted and approved as provided in this Act, covering a planning area or any part thereof, showing a programme of development, or any part thereof, designed to secure the health, safety, convenience or welfare of the inhabitants of the area, and without limiting the generality of the foregoing and in order to promote the best use of the land in the area, an official plan may provide for the regulation of the use of land, buildings and structures and the location of buildings and structures.
- 2. The Planning Act, 1946, is amended by adding thereto 1946, c. 71. the following section:
 - 4a. Notwithstanding sections 2, 3 and 4, the Minister Minister may vary may, in order to suit the special needs of any planning planning area, vary the constitution of the board, the procedures by which it is appointed and the manner in which it shall function.
- **3.** Section 6 of *The Planning Act*, 1946, is repealed and the 1946, following substituted therefor:

 c. 71, s. 6.
 re-enacted.
 - 6.—(1) The planning board shall submit annually to the Finances council an estimate of its financial requirements for the year and the council may amend such estimate and shall pay to the secretary-treasurer of the board out of the moneys appropriated for the board such amounts as may be requisitioned from time to time.

Grants in aid,— local municipalities;

(2) Any municipality within or partly within a planning area may make grants of money to the planning board.

counties.

(3) The county in which a planning area or part thereof is situated may make grants of money to the planning board.

1946, c. 71, s. 11, amended. 4. Section 11 of *The Planning Act, 1946*, is amended by adding at the end thereof the words "provided that the Minister may approve any alteration or addition that may be proposed by the council of any municipality", so that the said section shall now read as follows:

Alterations and additions. 11. The provisions of this Act with respect to an official plan shall apply *mutatis mutandis* to alterations and additions thereto, provided that the Minister may approve any alteration or addition that may be proposed by the council of any municipality.

1946, c. 71, s. 12, re-enacted. **5**. Section 12 of *The Planning Act*, 1946, is repealed and the following substituted therefor:

Non-conforming by-laws prohibited. 12. Notwithstanding any other Act, where an official plan is in effect no by-law shall be passed for any purpose that does not conform therewith.

1946, c. 71, s. 13, re-enacted.

6. Section 13 of *The Planning Act*, 1946, is repealed and the following substituted therefor:

Conflict.

13. Where there is conflict between an official plan and any by-law, the official plan shall prevail.

1946, c. 71, s. 14, re-enacted. **7**. Section 14 of *The Planning Act*, 1946, is repealed and the following substituted therefor:

Committee of adjustment. 14.—(1) Where an official plan is implemented by one or more by-laws, the planning board of the municipality that passed the by-law or by-laws may constitute itself or any of its members as a committee of adjustment, unless and until the council constitutes such a committee composed of such persons as the council, subject to the approval of the Minister, may deem advisable.

Term of office.

(2) The members of a committee shall remain in office during the pleasure of the board or council, as the case may be.

Quorum.

(3) Two members or one-third of the members of the committee, whichever is greater, shall constitute a quorum.

- (4) The members of a committee shall elect one of them-Chairman selves as chairman, and when the chairman is absent through illness or otherwise the committee may appoint another member to act as chairman protempore.
- (5) The committee shall appoint a secretary-treasurer Secretary-who may be a member of the committee.
- (6) The committee, upon the application of the owner of Powers of land affected by any by-law that implements an official plan, may, notwithstanding any other Act, exempt or partly exempt the land from the operation of the by-law, provided that the general purpose of Proviso, the by-law and the official plan is maintained and that the objections, if any, to the application have been withdrawn.
- (7) The committee shall, before hearing an application, Notice, give notice thereof in such manner and to such persons as the committee shall deem proper.
- (8) The committee may require that a fee of not more Feesthan \$25 be paid on every such application.
- (9) At the place and time appointed for the hearing the Hearing committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision.
- (10) When the decision of the committee does not exempt Decision not or partially exempt land from the operation of the by-law, the committee shall put its decision in writing and send a copy thereof, signed by the secretary-treasurer, to the applicant.
- (11) When the decision of the committee exempts or Decision to partly exempts land from the operation of the by-law, the committee shall put its decision in writing and send two copies thereof, signed by the secretary-treasurer, to the Minister.
- (12) The Minister shall receive the decision of the com-Review. mittee and may approve, reverse or vary the same in any manner that hε deems proper.
- (13) As approved, reversed or varied by the Minister, Effect of the decision shall be final and binding and a notice thereof shall be sent by the Minister to the committee and the committee shall thereupon notify the applicant of the result.

1946, c. 71, s. 15, subs. 2, re-enacted.

8. Subsection 2 of section 15 of *The Planning Act*, 1946, is repealed and the following substituted therefor:

Powers of designated municipality.

(2) For the purpose of developing any feature of the official plan the designated municipality, with the approval of the Minister, may exercise any of the powers mentioned in subsection 1 in respect of land within the planning area.

Powers of county.

(3) For the purpose of developing any feature of any official plan, a county, with the approval of the Minister, may exercise any of the powers mentioned in subsection 1 with respect to the land within the county.

Contributions to cost.

(4) Any county or municipality may contribute towards the cost of acquiring land under this section.

1946, c. 71, s. 23, re-enacted. **9.** Section 23 of *The Planning Act*, 1946, is repealed and the following substituted, therefor:

Urban development areas.

- 23.—(1) The council may by by-law designate any area within the municipality as an urban development area and thereupon no person shall convey land in the area by way of a deed or transfer on any sale or enter into an agreement of sale and purchase or enter into any agreement that has the effect of granting the use of or right in the land directly or by entitlement to renewal for a period of twenty-one years or more,—
 - (a) unless the land is described in accordance with and is within a registered plan of subdivision;
 - (b) unless the land is more than ten acres in area;
 - (c) unless the land is the whole part remaining to the person of one parcel described in a registered conveyance to him; or
 - (d) unless the consent of the planning board, if any, or where there is a subsidiary planning area, the planning board thereof, or the Minister, is given.

Lodging of copies of by-law.

(2) At least two, or as many as may be required, certified copies of the by-law shall be lodged in the office of the Minister where the same shall be available for public inspection during office hours and registered

in the proper registry office where the same shall be made available to the public as productions.

- (3) When an area is designated as an urban development and dissoluarea it shall not be altered or dissolved without the tion. approval of the Minister.
- (4) Every person who contravenes this section shall be Penalty. guilty of an offence and liable to a penalty of not more than \$500, recoverable under *The Summary* Rev. Stat., Convictions Act.
- **10.** Section 24 of *The Planning Act, 1946*, is amended by ¹⁹⁴⁶_{c. 71, s. 24,} adding thereto the following subsection:
 - (3) Every person who contravenes an order of the Minis-Penalty. ter made under this section shall be guilty of an offence and liable to a penalty of not more than \$500, recoverable under *The Summary Convictions* Rev. Stat., Act.
- 11.—(1) Subsection 1 of section 25 of *The Planning Act*, ¹⁹⁴⁶_{c, 71}, s. 25, subs. 1, re-enacted.
 - (1) When land is to be subdivided for the purpose of Application for approval being sold, conveyed or leased in lots by reference of subtraction to a registered plan of subdivision, the person desiring plans. to register the plan shall forward at least eight, or as many as may be required, copies of a draft plan thereof drawn to scale together with an application for approval, to the Minister.
 - (2) Clause f of subsection 2 of the said section 25 is amended $\frac{1946}{c.71}$, s. 25, by adding at the end thereof the words "and anything within $\frac{subs.}{amended}$." or adjacent to such land that constitutes a fire hazard to the proposed subdivision", so that the said clause shall now read as follows:
 - (f) natural and artificial features such as buildings, railways, highways, watercourses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided, and anything within or adjacent to such land that constitutes a fire hazard to the proposed subdivision.
 - (3) Clause d of subsection 4 of the said section 25 is amended 1946, 71, 8, 25, by adding at the end thereof the words "and the highways subs. 4, cl. d, linking the highways in the proposed subdivision with the established highway system in the vicinity, and the adequacy thereof", so that the said clause shall now read as follows:

(d) the number, width, location and proposed grades and elevations of highways, and the adequacy thereof, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity, and the adequacy thereof.

1946, c. 71, s. 25, subs. 6, amended.

(4) Subsection 6 of the said section 25 is amended by striking out the words, "The Surveys Act, The Registry Act or The Land Titles Act" in the third and fourth lines and inserting in lieu thereof the words "The Surveys Act and The Registry Act or The Surveys Act and The Land Titles Act", so that the said subsection shall now read as follows:

When draft plan approved.

- Rev. Stat., cc. 232; 170; 174.
- (6) When the draft plan is approved, the person desiring to subdivide may proceed to lay down the highways and lots upon the ground in accordance with *The Surveys Act* and *The Registry Act* or *The Surveys Act* and *The Land Titles Act*, as the case may be, and to prepare a plan accordingly certified by an Ontario land surveyor.

1946, c. 71, s. 25, amended. (5) The said section 25 is further amended by adding thereto the following subsection:

Dedication of land for public and highway purposes.

(4a) The Minister may impose as a condition to the approval of a plan of subdivision that not more than five per centum of the land therein shall be dedicated for public purposes, other than highways, and that highways shall be dedicated adequate for the needs of the subdivision, and when the subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, shall be dedicated to provide for the widening of the highway to a width of not more than forty-three feet from the centre line of the highway as originally established.

1946, c. 71, s. 26, re-enacted. **12**. Section 26 of *The Planning Act*, 1946, is repealed and the following substituted therefor:

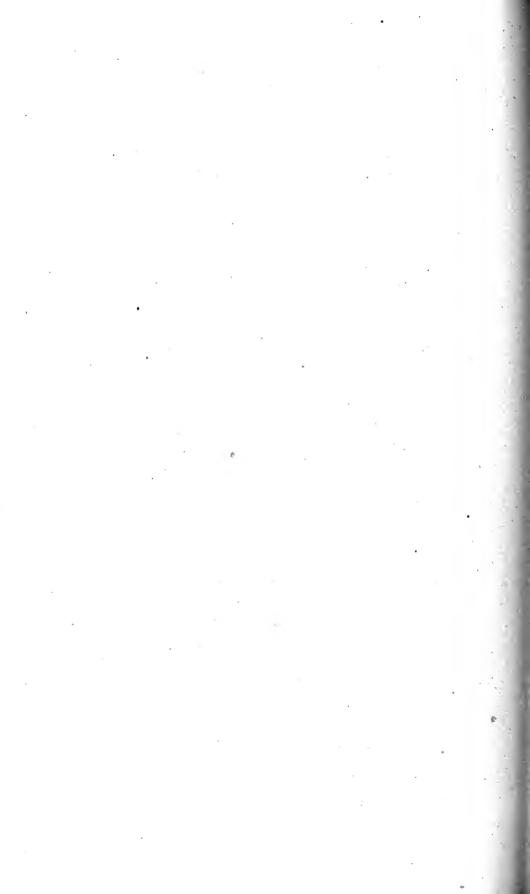
Right to restrain.

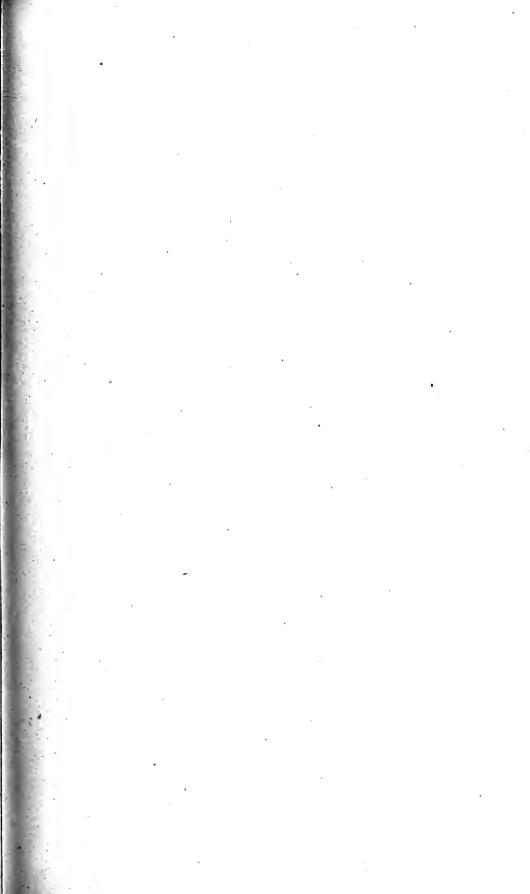
26. In addition to any other remedy or penalty provided by law, any contravention of a by-law that implements an official plan may be restrained by action at the instance of the planning board of the planning area in which the contravention took place or any municipality within or partly within such planning area or any ratepayer of any such municipality and any contravention of an order of the Minister made under section 24 may be restrained by action at the instance of the Minister or the municipality in which the contravention took place or any adjoining muni-

cipality or any ratepayer of any such municipality or adjoining municipality.

- **13.** Section 28 of *The Planning Act*, 1946, is repealed and ¹⁹⁴⁶_{c. 71, s. 28, the following substituted therefor:}
 - 28.—(1) When under this Act the approval or consent of Reference the Minister is applied for, the Minister may, and Board. upon application therefor shall, refer the matter to the Ontario Municipal Board in which case the approval or consent, as the case may be, of the Board shall have the same force and effect as if it were the approval or consent of the Minister.
 - (2) When under this Act the approval of the Minister is Effect of given, the signature of the Minister or the seal of the Ontario Municipal Board, as the case may be, by which the approval is evidenced shall be conclusive evidence that the provisions of this Act leading to such approval have been complied with.
- **14.** The Planning Act, 1946, is amended by adding thereto 1946, the following section:
 - 28a. In the event of conflict between the provisions of Conflict. this and any other general or special Act, the provisions of this Act shall prevail.
- **15.** Section 29 of *The Planning Act*, 1946, is repealed and ¹⁹⁴⁶_{c. 71, s. 29}, the following substituted therefor:
 - 29. The Planning and Development Act is repealed.

 Rev. Stat., c. 270, repealed.
- **16.** This Act shall come into force on the day upon which Commenceit receives the Royal Assent.
- 17. This Act may be cited as The Planning Amendment Short title. Act, 1947.





An Act to amend The Planning Act, 1946.

1st Reading March 24th, 1947

March 28th, 1947 2nd Reading

3rd Reading April 1st, 1947

Mr. Porter

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act respecting Farm Products Containers.

Mr. Kennedy

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The Bill authorizes the Minister of Agriculture to make an order providing for the collection of licence fees from producers of honey or of any fruit or vegetable. The licence fees may be in different amounts and payable in instalments and would be collected by persons dealing in containers suitable for marketing the particular product and paid to one of the three associations mentioned in clause a of section 1 of the Bill.

No. 106

1947

BILL

An Act respecting Farm Products Containers.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpretation,—

- (a) "association" shall mean The Ontario Beekeepers' "association". Association, The Ontario Fruit Growers' Association and The Ontario Vegetable Growers' Association, within the meaning of The Agricultural Associations c. 80.

 Act;
- (b) "Commissioner" shall mean the Commissioner of "Commissioner";
 Marketing;
- (c) "container" shall include any bag, basket, box, can, "container" crate or other receptacle used or suitable for use in the marketing of fruit, honey or vegetables;
- (d) "dealer" shall mean any person engaged in the "dealer"; business of selling containers to producers of fruit, honey or vegetables;
- (e) "licence" shall mean a licence issued under this Act; "licence"
 - (f) "Minister" shall mean Minister of Agriculture; and "Minister";
 - (g) "product" shall mean honey and any fruit or "product". vegetable.
- 2. The Commissioner shall be responsible to the Minister Administration and enforcement of this Act.
- **3.** When the Minister receives from an association a Establish-request asking that for the purpose of defraying the expenses ment of of the association, every producer of a specified product or association specified products who purchases containers therefor, be required to obtain a licence and to pay licence fees, the

Minister, subject to the approval of the Lieutenant-Governor in Council, may, if he is of the opinion that such association is fairly representative of producers of the specified product or products, make an order,—

- (a) providing for the licensing of such producers and requiring every such producer to pay to the association licence fees in different amounts and fixing the amount of such fees payable in instalments;
- (b) exempting any class of producers from the provisions of the order;
- (c) requiring every dealer who sells containers to a producer to collect the amount of the licence fees from the producer and to pay such amounts to the association;
- (d) preventing the association from using any such amounts for the retail or wholesale distribution or processing of the product; and
- (e) requiring the association and dealers to furnish to the Commissioner such information and financial statements as the Commissioner may determine.

Penalties.

4.—(1) Every person who violates any of the provisions of any order of the Minister made under section 3 shall be guilty of an offence and liable to a penalty of not less than \$10 and not exceeding \$50 for a first offence and to a penalty of not less than \$50 and not exceeding \$200 for a subsequent offence.

Recovery of penalties.

(2) The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.

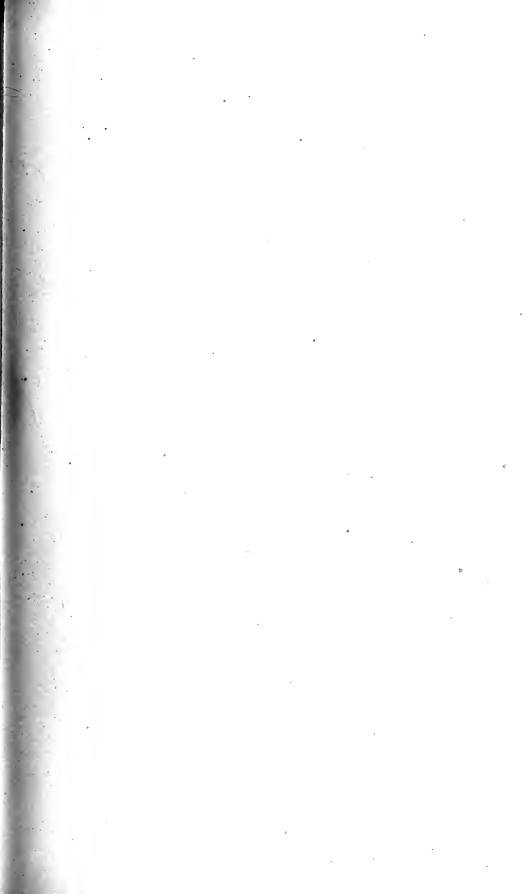
Rev. Stat., c. 136.

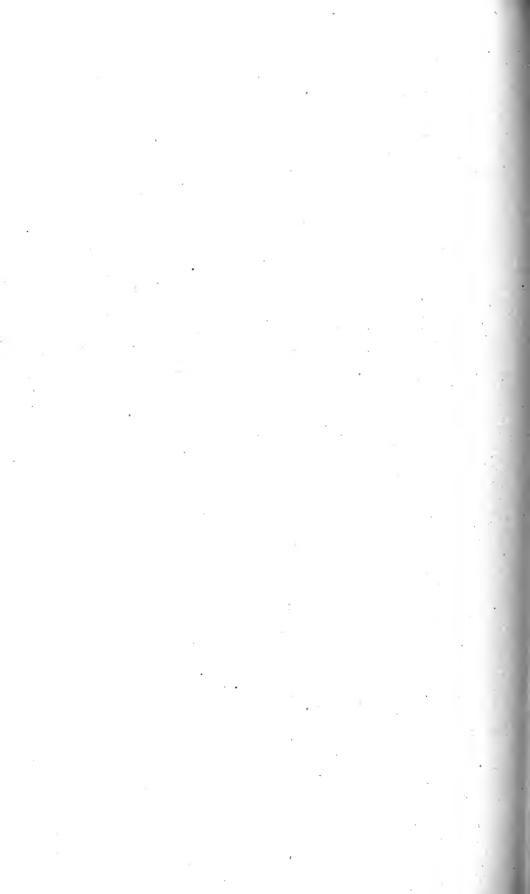
Commence—
ment of Act. receives the Royal Assent.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as The Farm Products Containers Act, 1947.







The Farm Products Containers Act, 1947.

1st Reading March 24th, 1947

3rd Reading

2nd Reading

Mr. Kennedy

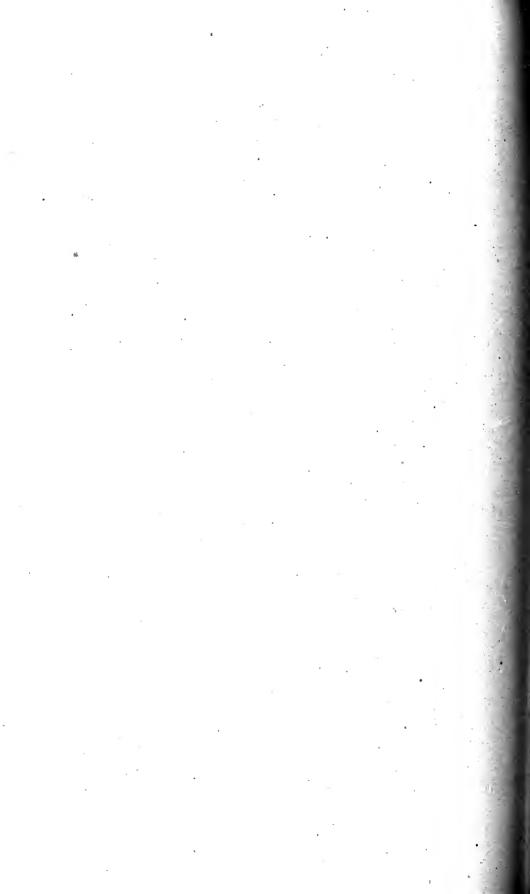
3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act respecting Farm Products Containers.

Mr. Kennedy

TORONTO
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No. 106

1947

BILL

An Act respecting Farm Products Containers.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpretation,—

- (a) "association" shall mean The Ontario Beekeepers' "association". Association, The Ontario Fruit Growers' Association and The Ontario Vegetable Growers' Association, Rev. Stat., within the meaning of The Agricultural Associations c. 80. Act;
- (b) "Commissioner" shall mean the Commissioner of "Commissioner";
 Marketing;
- (c) "container" shall include any bag, basket, box, can, "container" crate or other receptacle used or suitable for use in the marketing of fruit, honey or vegetables;
- (d) "dealer" shall mean any person engaged in the "dealer" business of selling containers to producers of fruit, honey or vegetables;
- (e) "licence" shall mean a licence issued under this Act; "licence"
- (f) "Minister" shall mean Minister of Agriculture; and "Minister";
- (g) "product" shall mean honey and any fruit or "product". vegetable.
- 2. The Commissioner shall be responsible to the Minister Administration and for the administration and enforcement of this Act.
- **3.** When the Minister receives from an association a Establish-request asking that for the purpose of defraying the expenses fund for of the association, every producer of a specified product or association specified products who purchases containers therefor, be required to obtain a licence and to pay licence fees, the

Minister, subject to the approval of the Lieutenant-Governor in Council, may, if he is of the opinion that such association is fairly representative of producers of the specified product or products, make an order,—

- (a) providing for the licensing of such producers and requiring every such producer to pay to the association licence fees in different amounts and fixing the amount of such fees payable in instalments;
- (b) exempting any class of producers from the provisions of the order;
- (c) requiring every dealer who sells containers to a producer to collect the amount of the licence fees from the producer and to pay such amounts to the association;
- (d) preventing the association from using any such amounts for the retail or wholesale distribution or processing of the product; and
- (e) requiring the association and dealers to furnish to the Commissioner such information and financial statements as the Commissioner may determine.

Penalties.

4.—(1) Every person who violates any of the provisions of any order of the Minister made under section 3 shall be guilty of an offence and liable to a penalty of not less than \$10 and not exceeding \$50 for a first offence and to a penalty of not less than \$50 and not exceeding \$200 for a subsequent offence.

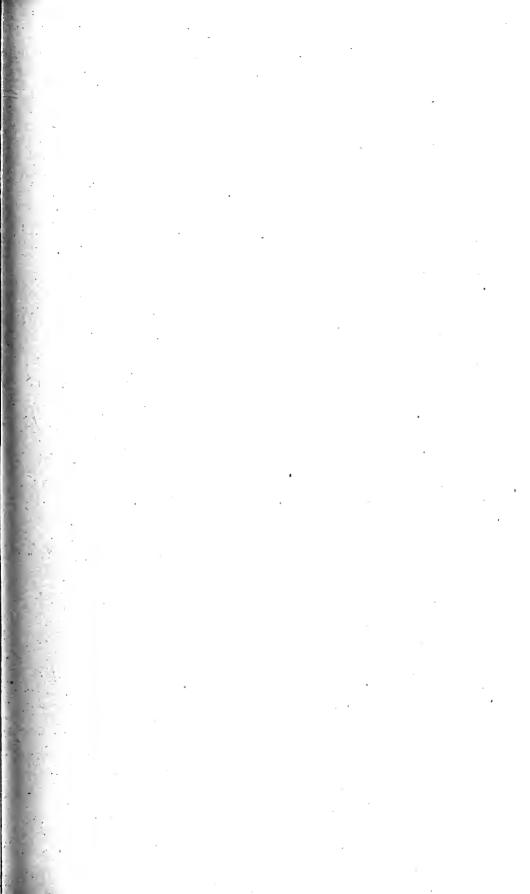
Recovery of penalties.

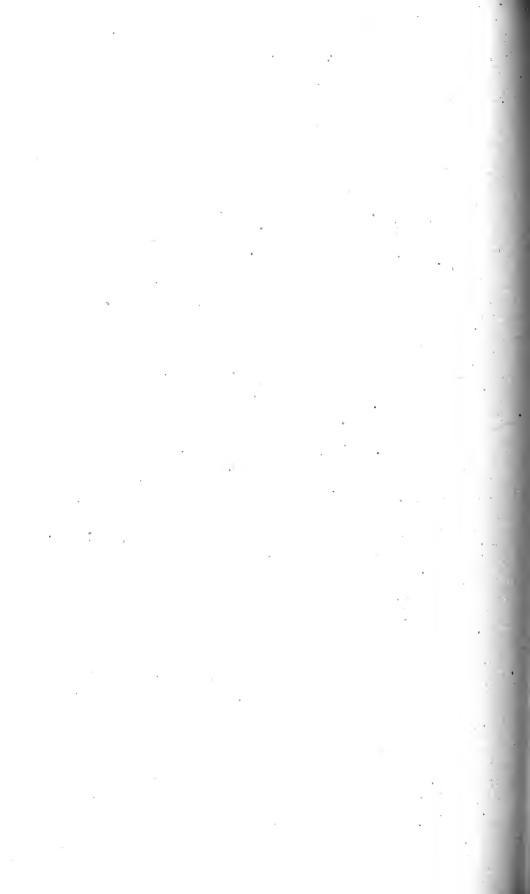
(2) The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.

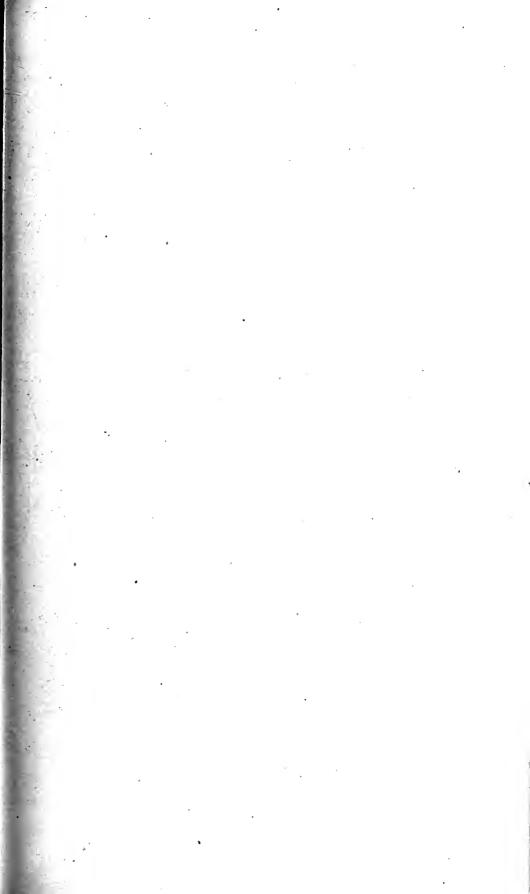
Rev. Stat., c. 136.

commencement of Act. receives the Royal Assent.

Short title. 6. This Act may be cited as The Farm Products Containers Act. 1947.







BILL

The Farm Products Containers Act, 1947.

March 24th, 1947 1st Reading

2nd Reading April 1st, 1947

3rd Reading April 2nd, 1947

Mr. Kennedy

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Real Estate and Business Brokers Act, 1946.

MR. BLACKWELL

EXPLANATORY NOTE

Section 1. The purpose of this amendment is to prescribe the three types of bond which are acceptable on an application for registration.

Section 2. The new subsection 2 of section 17 gives the person bound under a bond power to cancel the bond on two months' notice. The new subsection 3 is a re-enactment of the present subsection 2, amended to provide for the case where a bond is cancelled and where a bond is secured by collateral.

No. 107

1947

BILL

An Act to amend The Real Estate and Business Brokers Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 9 of The Real Estate and Business Brokers Act, 1946, c. 85, s. 9, 1946, is amended by adding thereto the following subsections: amended.
 - (2) The bond shall be,-

Type of bond.

- (a) the bond of a guarantee company approved under The Guarantee Companies Securities Act; Rev. Stat., c. 263.
- (b) a personal bond accompanied by collateral security; or
- (c) the bond of a guarantor, other than a guarantee company, accompanied by collateral security.
- (3) The collateral security shall be negotiable securities Collateral of the classes prescribed by the regulations not less in security. value than the sum secured by the bond, and shall be deposited with the Treasurer of Ontario.
- 2. Subsection 2 of section 17 of The Real Estate and Busi-1946, c. 85, s. 17, ness Brokers Act, 1946, is repealed and the following substituted subs. 2, retherefor:
 - (2) A bond may be cancelled by any person bound there-Cancellaunder by giving to the Registrar at least two months' notice in writing of intention to cancel and it shall be deemed to be cancelled on the date stated in the notice, which date shall be not less than two months after the receipt of the notice by the registrar.

Term of

(3) For the purposes of every act and omission occurring during the period of registration or the period prior to cancellation under subsection 2, every bond shall continue in force and the collateral security, if any, shall remain on deposit for a period of two years after the lapse or cancellation of the registration to which it relates, or the cancellation of the bond, whichever occurs first.

1946, c. 85, amended.

3. The Real Estate and Business Brokers Act, 1946, is amended by adding thereto the following section:

Sale of collateral security.

17a. Where a bond secured by the deposit of collateral security with the Treasurer of Ontario is forfeited under section 17, the Lieutenant-Governor in Council may direct the Treasurer to sell the collateral security at the current market price.

1946, c. 85, s. 19, re-enacted.

4. Section 19 of *The Real Estate and Business Brokers Act*, 1946, is repealed and the following substituted therefor:

Assignment of bond or payment of moneys to creditors.

- The Lieutenant-Governor in Council may direct the Treasurer of Ontario,—
 - (a) to assign any bond forfeited under section 17 and transfer the collateral security, if any;
 - (b) to pay over any moneys recovered under such bond; or ,
 - (c) to pay over any moneys realized from the sale of the collateral security under section 17a,

to any person, or to the Accountant of the Supreme Court in trust for such persons as may become judgment creditors of the person bonded or who deposited the securities, as the case may be, or to any trustee, custodian, interim receiver, receiver or liquidator of such person, as the case may be.

1946, c. 85, s. 20, amended. 5. Section 20 of *The Real Estate and Business Brokers Act*, 1946, is amended by inserting after the word "such" in the sixth line the words "whichever occurs first", so that the said section shall now read as follows:

Where no claims against proceeds of bond.

20. Where a bond has been forfeited under section 17 by reason of a conviction or judgment under clause *a* or *b* thereof and the Superintendent has not within two years of such conviction or judgment having become final, or of the broker or salesman in respect of whom the bond was furnished ceasing to carry on business as such, whichever occurs first, received



Section 3. This new section gives power to sell, at the current market price, the collateral security deposited with a bond which has been forfeited.

Sections 4 and 9. These amendments are complementary to the amendment contained in section 1 of the Bill.

SECTIONS 5 and 6. These amendments are inserted for clarification.

Section 7. The prohibition against a person carrying on business alone under a name other than his own is qualified where the person is a surviving or remaining partner.

Section 8. This is a clarification of the present section 48 with no change in principle.

notice in writing of any claim against the proceeds of the bond or of such portion thereof as remains in the possession of the Treasurer of Ontario, the Lieutenant-Governor in Council may direct the Treasurer to pay such proceeds or portion thereof to the broker or salesman, or to any person who upon forfeiture of the bond made any payments thereunder, after first deducting the amount of any expenses which have been incurred in connection with any investigation or otherwise relating to such broker or salesman.

- 6. Clause a of section 37 of The Real Estate and Business 1946. Brokers Act, 1946, is amended by adding at the end thereof the cl. a. structure word "or", so that the said clause shall now read as follows:
 - (a) the agreement upon which such action shall be brought shall be in writing and signed by the party to be charged therewith or some person thereunto by him lawfully authorized; or
- 7. Section 39 of The Real Estate and Business Brokers 1946. c. 85, s. 39, Act, 1946, is amended by adding at the end thereof the words amended. "provided, however, that a surviving or remaining partner may carry on business in the name of the original partnership, but shall publish on all letterheads and circulars used by him in connection with his business the fact that he is the sole proprietor thereof", so that the said section shall now read as follows:
 - 39. A broker carrying on business alone and not through business as an incorporated company shall carry on business in individual. his own name only and shall not use any description, words or device which would indicate that his business is being carried on by more than one person or by a company, provided, however, that a surviving Proviso or remaining partner may carry on business in the name of the original partnership, but shall publish on all letterheads and circulars used by him in connection with his business the fact that he is the sole proprietor thereof.
- 8. Section 48 of The Real Estate and Business Brokers 1946. Act, 1946, is repealed and the following substituted therefor: re-enacted.
 - 48.—(1) Where a trade in a business is negotiated by a Statements broker or his salesman, the broker shall before a delivered in binding agreement of purchase and sale is concluded, business. deliver to the person acquiring the business,—

- (a) a profit and loss statement or statement showing the revenue and disbursements of the business during the preceding twelve months or since the acquisition of the business by the person disposing of it; and
- (b) a statement of the assets and liabilities of the business; and
- (c) a statement containing a list of all fixtures, goods, chattels, rights and other assets relating to or connected with the business which are not included in the transaction,

and every such statement shall be signed by the person disposing of the business or his agent lawfully authorized in that behalf.

What to be deemed included in transaction.

(2) Unless the statement mentioned in clause *c* of subsection 1 is delivered in accordance with subsection 1, all fixtures, goods, chattels and rights and other assets relating to or connected with the business shall be deemed to be included in the transaction.

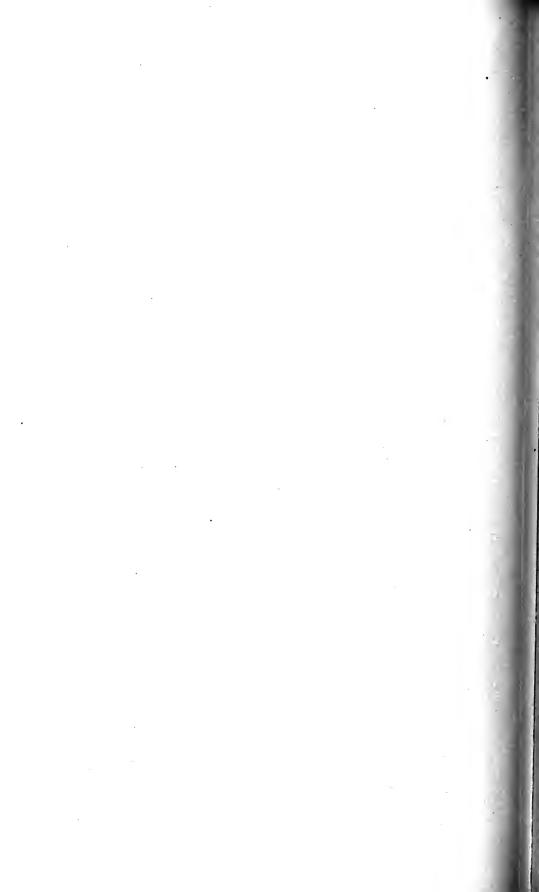
1946, c. 85, s. 56, amended. 9. Section 56 of The Real Estate and Business Brokers Act, 1946, is amended by adding thereto the following clause:

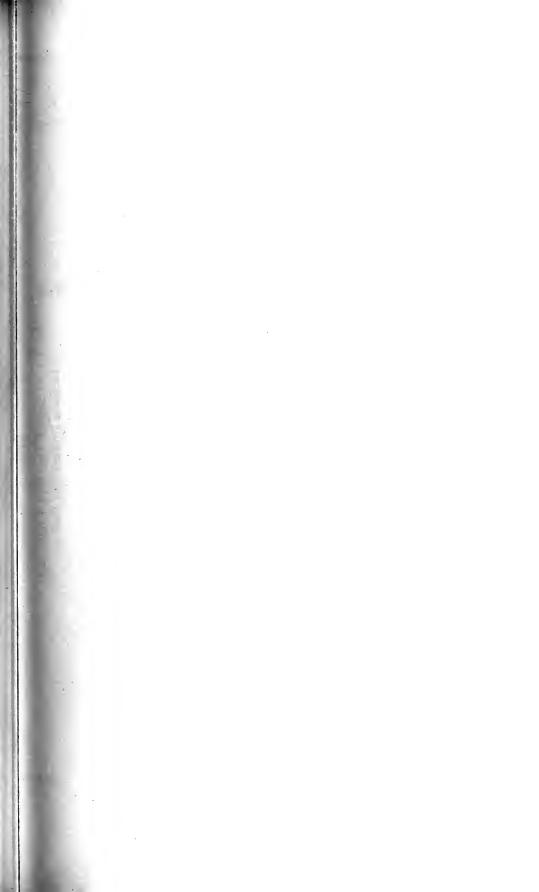
(bb) prescribing the classes of negotiable securities which may be accepted as collateral security for a bond.

Commencement of Act. 10. This Act shall come into force on the 1st day of June, 1947.

Short title. 11. This Act may be cited as The Real Estate and Business Brokers Amendment Act, 1947.







BILL

An Act to amend The Real Estate and Business Brokers Act, 1946

1st Reading March 24th, 1947

2nd Reading

3rd Reading

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Real Estate and Business Brokers Act, 1946.

Mr. Blackwell

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 107

1947

BILL

An Act to amend The Real Estate and Business Brokers Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Real Estate and Business Brokers Act*, ¹⁹⁴⁶_{c. 85, s. 9,} 1946, is amended by adding thereto the following subsections: amended.

(2) The bond shall be,—

Type of bond.

- (a) the bond of a guarantee company approved under The Guarantee Companies Securities Act; Rev. Stat..
- (b) a personal bond accompanied by collateral security; or
- (c) the bond of a guarantor, other than a guarantee company, accompanied by collateral security.
- (3) The collateral security shall be negotiable securities Collateral of the classes prescribed by the regulations not less in security. value than the sum secured by the bond, and shall be deposited with the Treasurer of Ontario.
- 2. Subsection 2 of section 17 of *The Real Estate and Busi*-1946, c. 85, s. 17, ness Brokers Act, 1946, is repealed and the following substituted subs. 2, retherefor:
 - (2) A bond may be cancelled by any person bound there-Cancellation of bond. under by giving to the Registrar at least two months' notice in writing of intention to cancel and it shall be deemed to be cancelled on the date stated in the notice, which date shall be not less than two months after the receipt of the notice by the registrar.

Term of bond.

(3) For the purposes of every act and omission occurring during the period of registration or the period prior to cancellation under subsection 2, every bond shall continue in force and the collateral security, if any, shall remain on deposit for a period of two years after the lapse or cancellation of the registration to which it relates, or the cancellation of the bond, whichever occurs first.

1946, c. 85, amended.

3. The Real Estate and Business Brokers Act, 1946, is amended by adding thereto the following section:

Sale of collateral security.

17a. Where a bond secured by the deposit of collateral security with the Treasurer of Ontario is forfeited under section 17, the Lieutenant-Governor in Council may direct the Treasurer to sell the collateral security at the current market price.

1946, o. 85, s. 19, re-enacted.

4. Section 19 of *The Real Estate and Business Brokers Act*, . 1946, is repealed and the following substituted therefor:

Assignment of bond or payment of moneys to creditors.

- 19. The Lieutenant-Governor in Council may direct the Treasurer of Ontario,—
 - (a) to assign any bond forfeited under section 17 and transfer the collateral security, if any;
 - (b) to pay over any moneys recovered under such bond; or
 - (c) to pay over any moneys realized from the sale of the collateral security under section 17a,

to any person, or to the Accountant of the Supreme Court in trust for such persons as may become judgment creditors of the person bonded or who deposited the securities, as the case may be, or to any trustee, custodian, interim receiver, receiver or liquidator of such person, as the case may be.

1946, c. 85, s. 20, amended. **5.** Section 20 of *The Real Estate and Business Brokers Act*, 1946, is amended by inserting after the word "such" in the sixth line the words "whichever occurs first", so that the said section shall now read as follows:

Where no claims against proceeds of bond.

20. Where a bond has been forfeited under section 17 by reason of a conviction or judgment under clause *a* or *b* thereof and the Superintendent has not within two years of such conviction or judgment having become final, or of the broker or salesman in respect of whom the bond was furnished ceasing to carry on business as such, whichever occurs first, received

notice in writing of any claim against the proceeds of the bond or of such portion thereof as remains in the possession of the Treasurer of Ontario, the Lieutenant-Governor in Council may direct the Treasurer to pay such proceeds or portion thereof to the broker or salesman, or to any person who upon forfeiture of the bond made any payments thereunder, after first deducting the amount of any expenses which have been incurred in connection with any investigation or otherwise relating to such broker or salesman.

- 6. Clause a of section 37 of The Real Estate and Business 1946, Brokers Act, 1946, is amended by adding at the end thereof the cl. a. word "or", so that the said clause shall now read as follows: amended.
 - (a) the agreement upon which such action shall be brought shall be in writing and signed by the party to be charged therewith or some person thereunto by him lawfully authorized; or
- 7. Section 39 of *The Real Estate and Business Brokers* 1946. 6. 85, s. 39, Act, 1946, is amended by adding at the end thereof the words amended. "provided, however, that a surviving or remaining partner may carry on business in the name of the original partnership, but shall publish on all letterheads and circulars used by him in connection with his business the fact that he is the sole proprietor thereof", so that the said section shall now read as follows:
 - 39. A broker carrying on business alone and not through Carrying on an incorporated company shall carry on business in individual. his own name only and shall not use any description, words or device which would indicate that his business is being carried on by more than one person or by a company, provided, however, that a surviving Proviso. or remaining partner may carry on business in the name of the original partnership, but shall publish on all letterheads and circulars used by him in connection with his business the fact that he is the sole proprietor thereof.
- 8. Section 48 of The Real Estate and Business Brokers 1946, Act, 1946, is repealed and the following substituted therefor: re-enacted.
 - 48.—(1) Where a trade in a business is negotiated by a Statements broker or his salesman, the broker shall before a delivered in binding agreement of purchase and sale is concluded, business deliver to the person acquiring the business,—

- (a) a profit and loss statement or statement showing the revenue and disbursements of the business during the preceding twelve months or since the acquisition of the business by the person disposing of it; and
- (b) a statement of the assets and liabilities of the business; and
- (c) a statement containing a list of all fixtures, goods, chattels, rights and other assets relating to or connected with the business which are not included in the transaction,

and every such statement shall be signed by the person disposing of the business or his agent lawfully authorized in that behalf.

What to be deemed included in transaction.

(2) Unless the statement mentioned in clause c of subsection 1 is delivered in accordance with subsection 1, all fixtures, goods, chattels and rights and other assets relating to or connected with the business shall be deemed to be included in the transaction.

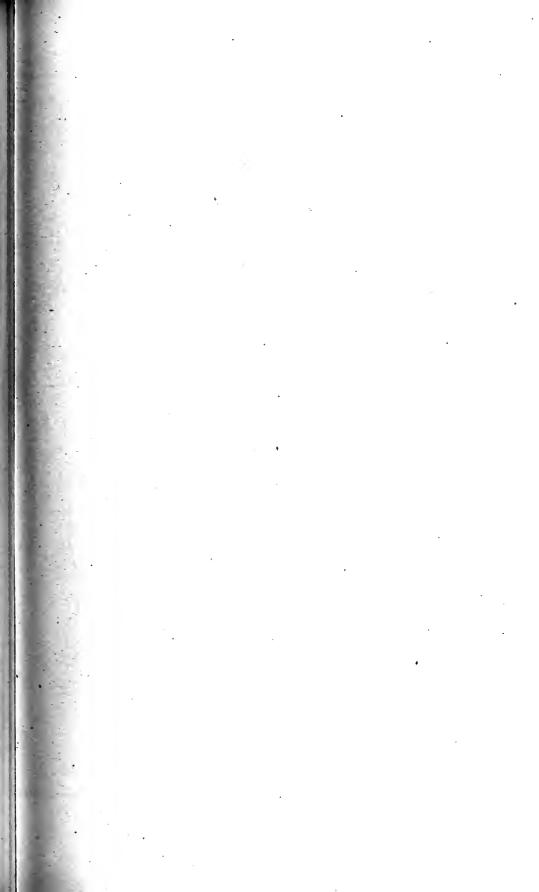
1946, c. 85, s. 56, amended.

9. Section 56 of The Real Estate and Business Brokers Act, 1946, is amended by adding thereto the following clause:

(bb) prescribing the classes of negotiable securities which may be accepted as collateral security for a bond.

Commencement of Act. 10. This Act shall come into force on the 1st day of June, 1947.

Short title. 11. This Act may be cited as The Real Estate and Business Brokers Amendment Act, 1947.



BILL

An Act to amend The Real Estate and Business Brokers Act, 1946

1st Reading
March 24th, 1947

2nd Reading

March 28th, 1947

3rd Reading April 1st, 1947

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Legislative Assembly Act.

EXPLANATORY NOTE

This Bill is self-explanatory.

No. 108 1947

BILL

An Act to amend The Legislative Assembly Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 37, 70, 71, 72, 73, section 74 as amended by Rev. Stat., subsection 2 of section 4 of The Statute Law Amendment ss. 70, 71, Act, 1939 (No. 2), sections 75, 76 and 77 and Form 3 of the 72, 73, 74, re-enacted; Schedule of Forms to The Legislative Assembly Act are repealed ss. 37, 75, and the following substituted therefor:

Form 3, repealed.

INDEMNITIES AND ALLOWANCES.

- 70.—(1) There shall be paid to each member of the Indemnities and allow-Assembly,—

 Assembly,—

 ances payable to members.
 - (a) an indemnity at the rate of \$2,000 per annum;
 - (b) an allowance for expenses at the rate of \$1,000 per annum.
- (2) For the purposes of this section a member of the When member to be Assembly shall be deemed to be a member when deemed notice of the receipt of the return of his election member. is published in the Ontario Gazette.
- 71.—(1) In addition to the indemnities and allowances Additional for expenses provided for in section 70, there shall be and allowances,—
 paid,—
 - (a) to the Speaker, an indemnity at the rate of to Speaker;\$2,500 per annum;
 - (b) to the Chairman of the Committees of the to Chairman Whole House, an indemnity at the rate of mittees of the Whole \$1,000 per annum; and the Whole House;
 - (c) to the member recognized by the Speaker as to Leader of the Opposition, the Leader of the Opposition.

- (i) an indemnity at the rate of \$3,000 per annum, and
- (ii) an allowance for expenses at the rate of \$2,000 per annum.

Term of

(2) For the purposes of this section, upon a member becoming Speaker, Chairman of the Committees of the Whole House or Leader of the Opposition, he shall be deemed to occupy such position until he ceases to be a member or until another member is elected to or recognized as holding such position, as the case may be.

Indemnities, when payable. 72. The indemnities and allowances for expenses under sections 70 and 71 shall be paid on the 31st day of March in each year but where, by reason of death, resignation, dissolution of the Assembly or for any other cause, a member ceases to be a member or to hold the position in respect of which the indemnity and allowance are payable, as the case may be, the amounts which are payable, at the rates prescribed, for the period then concluded, shall be paid forthwith.

Allowance for attending committee meetings.

- 73. There shall be paid to each member of a committee of the Assembly an allowance for expenses of \$20 in respect of every day during the interval between sessions of the Assembly.—
 - (a) upon which he attends a meeting of the committee; or
 - (b) upon which he is absent from home engaged on the work of the committee, other than days spent travelling to and from meetings of the committee.

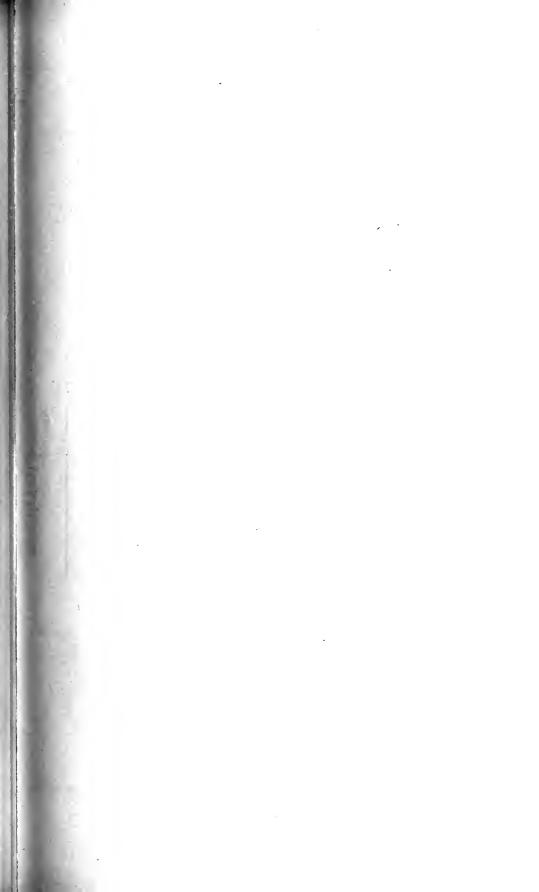
Mileage allowance in respect of meetings of committees.

- 74. There shall also be allowed to every member,—
 - (a) in respect of each session of the Assembly; and
 - (b) in respect of each series of meetings of a committee of the Assembly held between sessions of the Assembly and which he attends as a member of the committee.

ten cents for every mile of the distance between his place of residence and Toronto reckoning the distance going and coming according to the shortest mail route, which distance shall be determined and certified by the Speaker.

- 2. The indemnities and allowances for expenses provided Indemnities.—
 for in sections 70 and 71 of *The Legislative Assembly Act* as when payre-enacted by this Act, shall be payable on the 31st day of March, 1947, in respect of the twelve-month period ending thereon.
- **3.** This Act shall come into force on the day upon which it Commence-receives the Royal Assent.
- 4. This Act may be cited as The Legislative Assembly short title. Amendment Act, 1947.





BILL

An Act to amend The Legislative Assembly Act.

1st Reading

March 24th, 1947

2nd Reading

3rd Reading

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Legislative Assembly Act.



No. 108

1947

BILL

An Act to amend The Legislative Assembly Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 37, 70, 71, 72, 73, section 74 as amended by Rev. Stat., subsection 2 of section 4 of *The Statute Law Amendment* ss. 70, 71, Act, 1939 (No. 2), sections 75, 76 and 77 and Form 3 of the re-enacted; Schedule of Forms to *The Legislative Assembly Act* are repealed ss. 377, 75, and the following substituted therefor:

Form 3, repealed.

INDEMNITIES AND ALLOWANCES.

- 70.—(1) There shall be paid to each member of the Indemnities and allowances payable to members.
 - (a) an indemnity at the rate of \$2,000 per annum; and
 - (b) an allowance for expenses at the rate of \$1,000 per annum.
- (2) For the purposes of this section a member of the When member to be Assembly shall be deemed to be a member when deemed notice of the receipt of the return of his election member. is published in the *Ontario Gazette*.
- 71.—(1) In addition to the indemnities and allowances Additional for expenses provided for in section 70, there shall be and allowances,—
 - (a) to the Speaker, an indemnity at the rate of to Speaker; \$2,500 per annum;
 - (b) to the Chairman of the Committees of the to Chairman Whole House, an indemnity at the rate of mittees of the Whole \$1,000 per annum; and
 - (c) to the member recognized by the Speaker as to Leader of the Opposition, the Leader of the Opposition.

- (i) an indemnity at the rate of \$3,000 per annum, and
- (ii) an allowance for expenses at the rate of \$2,000 per annum.

Term of office.

(2) For the purposes of this section, upon a member becoming Speaker, Chairman of the Committees of the Whole House or Leader of the Opposition, he shall be deemed to occupy such position until he ceases to be a member or until another member is elected to or recognized as holding such position, as the case may be.

Indemnities, when payable. 72. The indemnities and allowances for expenses under sections 70 and 71 shall be paid on the 31st day of March in each year but where, by reason of death, resignation, dissolution of the Assembly or for any other cause, a member ceases to be a member or to hold the position in respect of which the indemnity and allowance are payable, as the case may be, the amounts which are payable, at the rates prescribed, for the period then concluded, shall be paid forthwith.

Allowance for attending committee meetings.

- 73. There shall be paid to each member of a committee of the Assembly an allowance for expenses of \$20 in respect of every day during the interval between sessions of the Assembly,—
 - (a) upon which he attends a meeting of the committee; or
 - (b) upon which he is absent from home engaged on the work of the committee, other than days spent travelling to and from meetings of the committee.

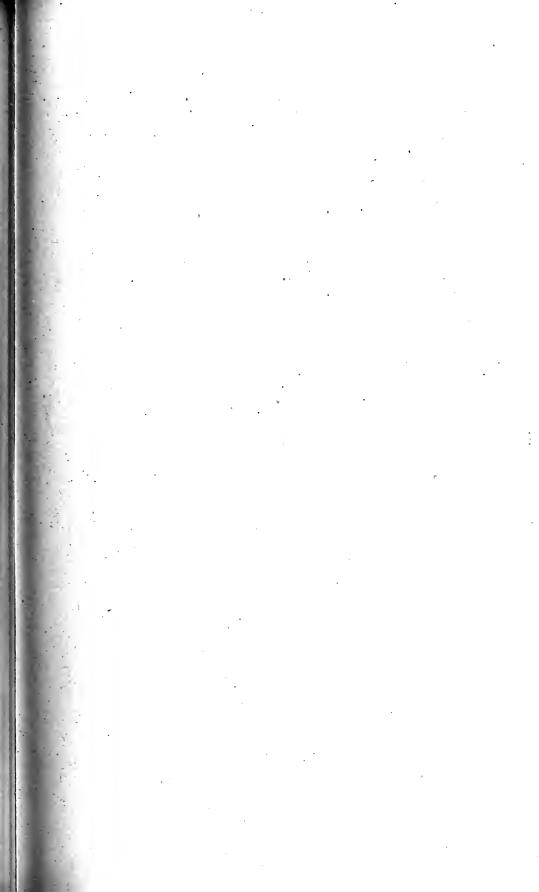
Mileage allowance in respect of meetings of committees.

- 74. There shall also be allowed to every member,—.
 - (a) in respect of each session of the Assembly; and
 - (b) in respect of each series of meetings of a committee of the Assembly held between sessions of the Assembly and which he attends as a member of the committee,

ten cents for every mile of the distance between his place of residence and Toronto reckoning the distance going and coming according to the shortest mail route, which distance shall be determined and certified by the Speaker.

- 2. The indemnities and allowances for expenses provided Indemnities.—
 for in sections 70 and 71 of *The Legislative Assembly Act* as when payre-enacted by this Act, shall be payable on the 31st day of March, 1947, in respect of the twelve-month period ending thereon.
- **3.** This Act shall come into force on the day upon which it Commence receives the Royal Assent.
- 4. This Act may be cited as The Legislative Assembly short title. Amendment Act, 1947.





BILL

An Act to amend The Legislative Assembly Act.

Ist Reading March 24th, 1947

2nd Reading March 28th, 1947

3rd Reading

March 31st, 1947

Mr. Blackwell

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Department of Education Act.

Mr. Drew

TORON TO
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EXPLANATORY NOTES

Section 1. This amendment is a re-enactment of section 4 of the Act, which is the section giving authority to make regulations in respect of all schools and classes supported in whole or in part by public money.

In the new subsection 1 of section 4, all the provisions of the former subsection 1 are included. The new authority is in respect of the matters set out in clauses b, m and v to z. The former clause c, giving power to deal with qualifications and appointments is enlarged in clause d to cover directors and superintendents. The former clause q, giving power to recognize qualifications and experience qualifying persons to each, is enlarged in clause s to cover admitting persons to schools and permitting persons to write examinations.

There are only two changes effected by the new subsection 2. The first is the deletion of the words "public and travelling libraries" from clause c. These libraries are covered by regulations under *The Public Libraries Act*. The second change is the addition of clause d. This is added as it is essential that there be a control on the expenditures of school boards. The definitions authorized are required to make legislative grant regulations workable. Clause d of the present subsection 2 is re-enacted without change as clause e of the new subsection.

1947

BILL

An Act to amend The Department of Education Act.

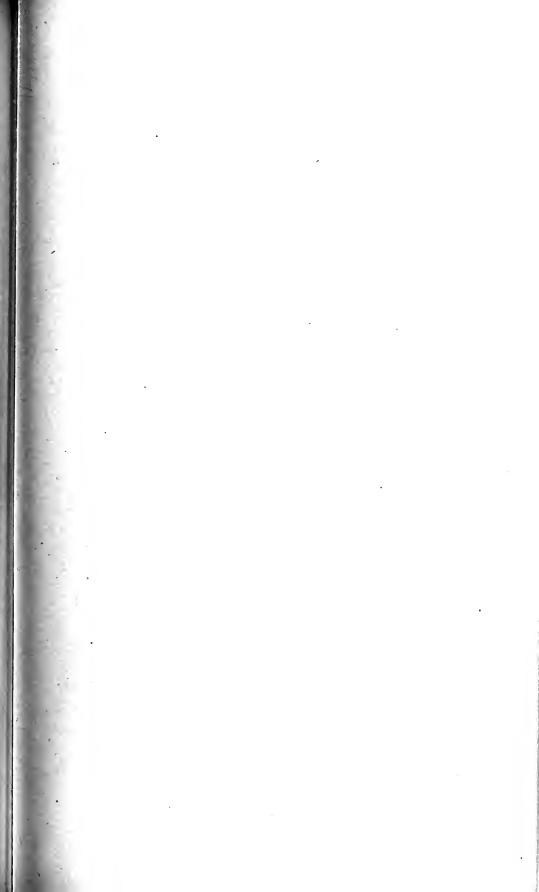
HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 4 of The Department of Education Act, as re-Rev. Stat., c. 356, s. 4 enacted by section 4 of The School Law Amendment Act, 1945, (1945, 1945) is repealed and the following substituted therefor:

 2nd Sess., c. 8, s. 4). re-enacted.
 - 4.—(1) Subject to the approval of the Lieutenant-Regulations.

 Governor in Council, the Minister may make regulations with respect to schools or classes which are established under the provisions of The Auxiliary Rev. Stat., Classes Act, The Continuation Schools Act, The High 360; 358; 359; Schools Act, The Public Schools Act, The Separate 365; Schools Act, The Vocational Education Act, The Schools for the Deaf and Blind Act or this Act and all other schools supported in whole or in part by public money,—
 - (a) for the establishment, administration and government thereof and the courses of study and examinations therein:
 - (b) for the admission of pupils thereto;
 - (c) for the establishment and regulation of cadet corps, gardens and libraries therein;
 - (d) prescribing the qualifications and governing the appointment of teachers, inspectors, directors, superintendents and other officials;
 - (e) prescribing the accommodation and equipment of school buildings and the arrangement of school premises;
 - (f) prescribing the form of contract which shall be used for every contract entered into between

- a board and a teacher for the services of the teacher;
- (g) prescribing the terms and conditions which shall be deemed to be part of every contract entered into between a board and a teacher for the services of the teacher whether or not such terms and conditions are actually set out in the contract;
- (h) providing for and governing the exchange of teachers between Ontario and other parts of Canada and the British Commonwealth of Nations;
- (i) authorizing text-books and books of reference for the use of pupils, teachers and teachers in training;
- (j) requiring boards to purchase books for the use of pupils in schools under the charge of such boards;
- (k) prescribing fees to be paid by candidates at examinations:
- (l) prescribing fees to be paid to presiding officers and examiners in connection with departmental examinations and by whom and in what manner such fees and other expenses in connection with such examinations shall be borne and paid;
- (m) providing for the establishment of supervising examination boards and prescribing the duties thereof:
- (n) for conducting examinations and settling the results thereof;
- (o) for granting diplomas and certificates of standing;
- (p) for establishing scholarships and prescribing the rules which shall govern the awarding thereof and the terms and conditions to which such scholarships shall be subject;
- (q) respecting the use of schools for purposes of observation and practice teaching by teachers-in-training;





- (r) governing the granting of temporary, interim, special, permanent and other certificates of qualification and the suspension and cancellation thereof;
- (s) prescribing the qualifications and experience which will be recognized for the purpose of,
 - (i) qualifying persons to teach,
 - (ii) admitting persons to schools, and
 - (iii) permitting persons to write examinations;
- (t) for the medical and dental inspection of pupils in public and separate schools where provision for such inspection was inaugurated by the boards of such schools prior to the 31st day of July, 1924, provided the regulations therefor are first approved by the Minister of Health;
- (u) providing for the affiliation of collegiate institutes, high schools, public schools and separate schools with universities, normal schools and model schools:
- (v) governing the establishment and maintenance of public schools on lands held by the Crown in right of Canada or Ontario, and providing for the payment of moneys to assist in the cost of establishment and maintenance of such schools out of the moneys appropriated by the Legislature therefor;
- (w) governing the attendance at public, separate, high, continuation and vocational schools and collegiate institutes of pupils residing on lands held by the Crown in right of Canada or Ontario;
- (x) governing the transportation of pupils to and from public, separate, high, continuation and vocational schools and collegiate institutes;
- (y) providing for assistance in the payment of the cost of education and transportation costs of pupils residing in the territorial districts and on lands held by the Crown in right of Canada or Ontario; and

(z) providing for assistance in the payment of the cost of transportation to universities and other institutions of higher learning of persons residing in the territorial districts.

Idem.

- (2) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—
 - (a) providing for a programme of adult education;
 - (b) providing for programmes of training in physical fitness and recreation;
 - (c) providing for the apportionment and distribution of all money appropriated or raised by this Legislature for educational purposes including sums granted for programmes of adult education and of training in physical fitness and recreation, and the maintenance of historical, literary and scientific institutions;
 - (d) prescribing definitions of,—
 - (i) "approved cost", and providing for the approval of the Minister as a condition in the definition, and
 - (ii) "cost of operating",

for the purpose of legislative grants to boards; and

(e) prescribing the conditions governing the payment of legislative grants.

Rev. Stat., c. 356, s. 5, re-enacted. 2. Section 5 of The Department of Education Act, as amended by section 10 of The Statute Law Amendment Act, 1942, section 5 of The School Law Amendment Act, 1945, and section 1 of The Department of Education Amendment Act, 1946, is repealed and the following substituted therefor:

Powers and duties of Minister.

5. It shall be the duty of the Minister and he shall have power,—

Apportionment of outside grants. (a) to apportion and pay all sums received from the Government of Canada or any source other than an appropriation by this Legislature, for educational purposes, in accordance with the terms of the grant, if any, and otherwise in any manner he may deem fit; Section 2. This amendment is a re-enactment of the present section 5. Clauses a to e are deleted as these matters are already covered by power to make regulations under section 4. The power of the Minister to accept qualifications and experience obtained outside the Province is broadened to cover heads of departments, directors, inspectors and candidates for certificates as well as teachers. The words "courses of study" are deleted from the present clause t as these are prescribed by the regulations.



- (b) to appoint the members of supervising exam-supervising ination boards and to prescribe the remunera-boards. tion, including allowances for travelling and other expenses, to be paid to each member thereof;
- (c) to pay out of any appropriation for profes- Professional sional training schools the travelling and schools. other expenses and such per diem allowance as may be fixed by the Minister for living expenses of students attending such schools whenever the Minister deems such payment necessary or desirable;
- (d) to accept in lieu of any requirement prescribed Accepting for a teacher, head of a department, director, fications. inspector, or a candidate for a certificate, such evidence of experience, academic scholarship or professional training as he may deem equivalent thereto;
- (e) to grant certificates of qualification as teachers Certificates of qualification and instructors in the Ontario School for the tion to Blind and the Ontario School for the Deaf, teachers. to such persons as he may deem to be, from their experience and general attainments, qualified to receive such certificates;
- (f) to require all teachers to submit periodically Periodic medical to medical examination; examination of teachers.
- (g) to submit a case on any question arising under Submitting The Public Schools Act, The High Schools arising upon school law to Act or The Separate Schools Act, or this Act, Supreme to a judge of the Supreme Court for his Rev. Stat.. opinion and decision, or by the leave of a cc. 357, 360, judge of such Court, to the Court of Appeal for its opinion and decision;
- (h) to determine all disputes and complaints laid Power to settle disbefore him, the settlement of which is not putes and complaints. otherwise provided for by law, and all appeals made to him from a decision of a principal, inspector or other school officer;
- (i) to suspend or cancel any certificate of qualifi-Suspension or cancel-cation granted under the regulations;
- (j) to appoint as a commission one or more per-Power to sons, as he may deem expedient, to inquire commisinto and report upon any school matter, with sioners.

Rev. Stat., c. 19. all the powers which may be conferred on commissioners under *The Public Inquiries Act*;

Annual report.

(k) to report annually to the Lieutenant-Governor upon the condition of education in Ontario, with such suggestions for the improvement thereof as he may deem expedient;

Use of schools for practice teaching.

 (1) to make use of any public, separate, continuation, high or vocational school for the purposes of observation and practice teaching by teachers-in-training at any provincial teachertraining school or college;

Subjects, time allotments, etc. (m) subject to the regulations, to prescribe subjects, time allotments for subjects, text-books and reference books for schools or classes established under The Auxiliary Classes Act, The Continuation Schools Act, The High Schools Act, The Public Schools Act, The Separate Schools Act, The Vocational Education Act, The Schools for the Deaf and Blind Act or this Act and all other schools supported in whole or in part by public money.

Rev. Stat., ec. 358; 359; 360; 357; 362; 369; 365.

Rev. Stat., c. 356, amended.

3. The Department of Education Act is amended by adding thereto the following section:

Contracts for transportation of pupils.

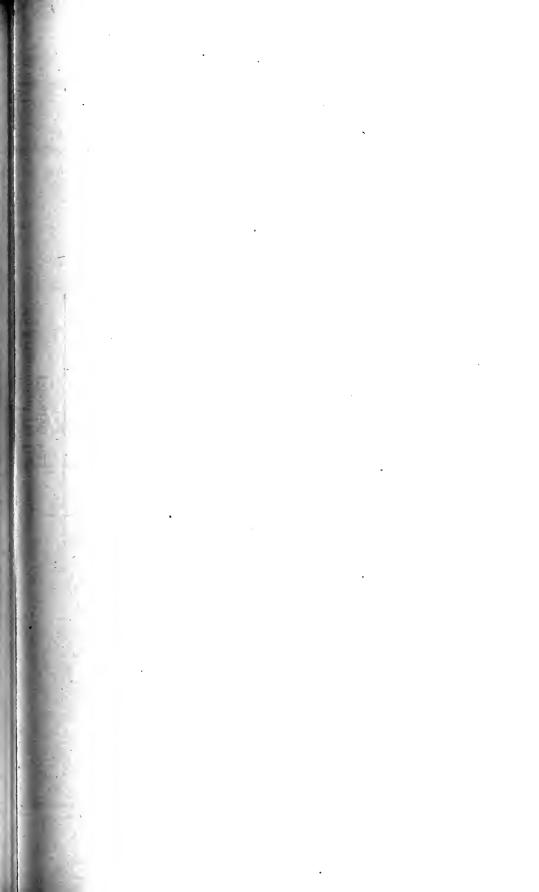
12. No school board or board of education shall enter into a contract for the transportation of pupils until it obtains the approval of the Minister.

4. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1947.

Short title. 5. This Act may be cited as The Department of Education Amendment Act, 1947.

SECTION 3. Self-explanatory.





BILL
An Act to amend The Department of Education Act.

1st Reading

March 25th, 1947

2nd Reading

3rd Reading

Mr. Drew

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Department of Education Act.

Mr. Drew



No. 109

1947

BILL

An Act to amend The Department of Education Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario. enacts as follows:

1. Section 4 of The Department of Education Act, as re-Rev. Stat. enacted by section 4 of The School Law Amendment Act, 1945, (1945, 1945, 1945). is repealed and the following substituted therefor:

- 4.—(1) Subject to the approval of the Lieutenant-Regulations. Governor in Council, the Minister may make regulations with respect to schools or classes which are established under the provisions of The Auxiliary Rev. Stat., Classes Act, The Continuation Schools Act, The High 360; 358; 359; Schools Act, The Public Schools Act, The Separate 365; 369; Schools Act, The Vocational Education Act, The Schools for the Deaf and Blind Act or this Act and all other schools supported in whole or in part by public money,—
 - (a) for the establishment, administration and government thereof and the courses of study and examinations therein;
 - (b) for the admission of pupils thereto:
 - (c) for the establishment and regulation of cadet corps, gardens and libraries therein;
 - (d) prescribing the qualifications and governing the appointment of teachers, inspectors, directors, superintendents and other officials;
 - (e) prescribing the accommodation and equipment of school buildings and the arrangement of school premises;
 - (f) prescribing the form of contract which shall be used for every contract entered into between

- a board and a teacher for the services of the teacher;
- (g) prescribing the terms and conditions which shall be deemed to be part of every contract entered into between a board and a teacher for the services of the teacher whether or not such terms and conditions are actually set out in the contract;
- (h) providing for and governing the exchange of teachers between Ontario and other parts of Canada and the British Commonwealth of Nations;
- (i) authorizing text-books and books of reference for the use of pupils, teachers and teachers in training;
- (j) requiring boards to purchase books for the use of pupils in schools under the charge of such boards:
- (k) prescribing fees to be paid by candidates at examinations;
- (l) prescribing fees to be paid to presiding officers and examiners in connection with departmental examinations and by whom and in what manner such fees and other expenses in connection with such examinations shall be borne and paid;
- (m) providing for the establishment of supervising examination boards and prescribing the duties thereof:
- (n) for conducting examinations and settling the results thereof;
- (o) for granting diplomas and certificates of standing;
- (p) for establishing scholarships and prescribing the rules which shall govern the awarding thereof and the terms and conditions to which such scholarships shall be subject;
- (q) respecting the use of schools for purposes of observation and practice teaching by teachers-in-training;

- (r) governing the granting of temporary, interim, special, permanent and other certificates of qualification and the suspension and cancellation thereof;
- (s) prescribing the qualifications and experience which will be recognized for the purpose of,
 - (i) qualifying persons to teach,
 - (ii) admitting persons to schools, and
 - (iii) permitting persons to write examinations;
- (t) for the medical and dental inspection of pupils in public and separate schools where provision for such inspection was inaugurated by the boards of such schools prior to the 31st day of July, 1924, provided the regulations therefor are first approved by the Minister of Health;
- (u) providing for the affiliation of collegiate institutes, high schools, public schools and separate schools with universities, normal schools and model schools;
- (v) governing the establishment and maintenance of public schools on lands held by the Crown in right of Canada or Ontario, and providing for the payment of moneys to assist in the cost of establishment and maintenance of such schools out of the moneys appropriated by the Legislature therefor;
- (w) governing the attendance at public, separate, high, continuation and vocational schools and collegiate institutes of pupils residing on lands held by the Crown in right of Canada or Ontario:
- (x) governing the transportation of pupils to and from public, separate, high, continuation and vocational schools and collegiate institutes;
- (y) providing for assistance in the payment of the cost of education and transportation costs of pupils residing in the territorial districts and on lands held by the Crown in right of Canada or Ontario; and

(z) providing for assistance in the payment of the cost of transportation to universities and other institutions of higher learning of persons residing in the territorial districts.

Idem.

- (2) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—
 - (a) providing for a programme of adult education;
 - (b) providing for programmes of training in physical fitness and recreation;
 - (c) providing for the apportionment and distribution of all money appropriated or raised by this Legislature for educational purposes including sums granted for programmes of adult education and of training in physical fitness and recreation, and the maintenance of historical, literary and scientific institutions;
 - (d) prescribing definitions of,—
 - (i) "approved cost", and providing for the approval of the Minister as a condition in the definition, and
 - (ii) "cost of operating",

for the purpose of legislative grants to boards; and

(e) prescribing the conditions governing the payment of legislative grants.

Rev. Stat., c. 356, s. 5, re-enacted.

2. Section 5 of The Department of Education Act, as amended by section 10 of The Statute Law Amendment Act, 1942, section 5 of The School Law Amendment Act, 1945, and section 1 of The Department of Education Amendment Act, 1946, is repealed and the following substituted therefor:

Powers and duties of Minister.

5. It shall be the duty of the Minister and he shall have power,—

Apportionment of outside grants. (a) to apportion and pay all sums received from the Government of Canada or any source other than an appropriation by this Legislature, for educational purposes, in accordance with the terms of the grant, if any, and otherwise in any manner he may deem fit;

- (b) to appoint the members of supervising exam-supervising ination boards and to prescribe the remunera-boards. tion, including allowances for travelling and other expenses, to be paid to each member thereof:
- (c) to pay out of any appropriation for profes- Professional sional training schools the travelling and schools. other expenses and such *per diem* allowance as may be fixed by the Minister for living expenses of students attending such schools whenever the Minister deems such payment necessary or desirable;
- (d) to accept in lieu of any requirement prescribed Accepting other qualifor a teacher, head of a department, director, fications, inspector, or a candidate for a certificate, such evidence of experience, academic scholarship or professional training as he may deem equivalent thereto;
- (e) to grant certificates of qualification as teachers Certificates of qualification and instructors in the Ontario School for the tion to Blind and the Ontario School for the Deaf, teachers. to such persons as he may deem to be, from their experience and general attainments, qualified to receive such certificates;
- (f) to require all teachers to submit periodically Periodic medical to medical examination;

 of teachers.
- (g) to submit a case on any question arising under Submitting The Public Schools Act, The High Schools arising upon Act or The Separate Schools Act, or this Act, Supreme to a judge of the Supreme Court for his Court. Rev. Stat.. opinion and decision, or by the leave of a cc. 357, 360, judge of such Court, to the Court of Appeal for its opinion and decision;
- (h) to determine all disputes and complaints laid Power to before him, the settlement of which is not putes and otherwise provided for by law, and all appeals made to him from a decision of a principal, inspector or other school officer;
- (i) to suspend or cancel any certificate of qualifi-Suspension or cancelation granted under the regulations;
- (j) to appoint as a commission one or more per-Power to sons, as he may deem expedient, to inquire commisinto and report upon any school matter, with sioners.

Rev. Stat., c. 19. all the powers which may be conferred on commissioners under *The Public Inquiries* Act;

Annual report.

(k) to report annually to the Lieutenant-Governor upon the condition of education in Ontario, with such suggestions for the improvement thereof as he may deem expedient;

Use of schools for practice teaching.

(l) to make use of any public, separate, continuation, high or vocational school for the purposes of observation and practice teaching by teachers-in-training at any provincial teachertraining school or college;

Subjects, time allotments, etc. (m) subject to the regulations, to prescribe subjects, time allotments for subjects, text-books and reference books for schools or classes established under The Auxiliary Classes Act, The Continuation Schools Act, The High Schools Act, The Public Schools Act, The Separate Schools Act, The Vocational Education Act, The Schools for the Deaf and Blind Act or this Act and all other schools supported in whole or in part by public money.

Rev. Stat., ec. 358; 359; 360; 357; 362; 369; 365.

Rev. Stat., c. 356, amended.

3. The Department of Education Act is amended by adding thereto the following section:

Contracts for transportation of pupils.

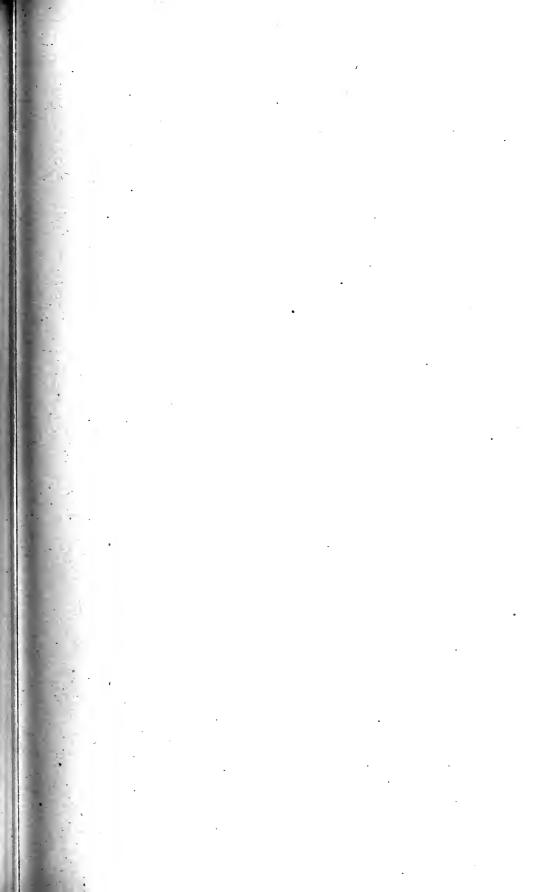
12. No school board or board of education shall enter into a contract for the transportation of pupils until it obtains the approval of the Minister.

Commencement of Act.

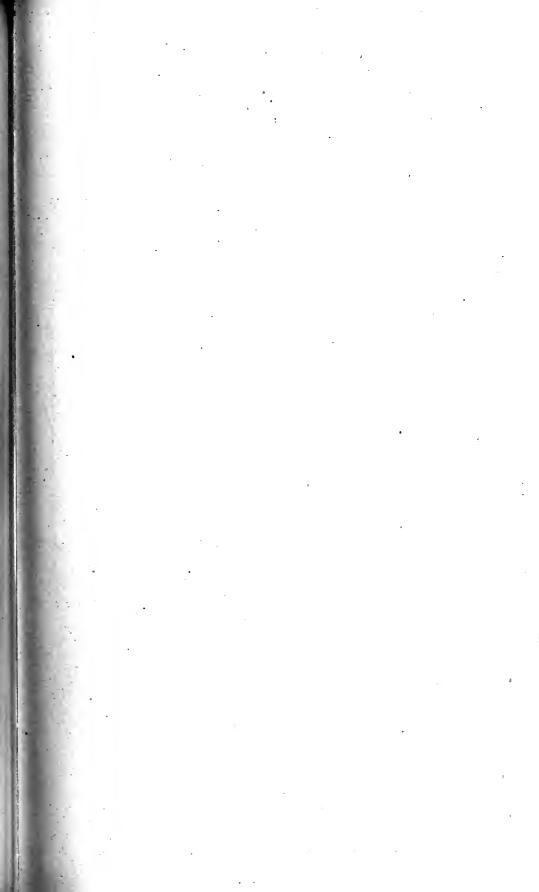
4. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1947.

Short title.

5. This Act may be cited as The Department of Education Amendment Act, 1947.







An Act to amend The Department of Education Act.

RILL

1st Reading March 25th, 1947

2nd Reading March 28th, 1947

3rd Reading

April 1st, 1947

Mr.: Drew

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The High Schools Act.

Mr. Drew

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

Section 1. The provisions of the present sections 4 to 7 of the Act are recast and consolidated in more consistent and logical form. They deal with the creation, enlargement, decreasing and discontinuance of high school districts, and the former provisions are enlarged to provide a complete flexibility so that the Act will now cover all situations which may arise, thereby avoiding the necessity for private bills.

No. 110

1947

BILL

An Act to amend The High Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Sections 4 and 5, as re-enacted by sections 1 and 2 of Rev. Stat., The High Schools Amendment Act, 1946; section 6, as amended \$\frac{\section 6}{\cdots}\$. 4.5 (1946. c. 37) by section 11 of The School Law Amendment Act, 1938, sub-\$\frac{\section 5}{\cdots}\$. 1. 2). sections 1 and 2 of section 2 of The School Law Amendment \(\frac{\cdots}{\cdots}\$ and Act, 1940, section 6 of The School Law Amendment Act, 1941, and section 3 of The High Schools Amendment Act, 1946; and section 7, as amended by section 12 of The School Law Amendment Act, 1938, of The High Schools Act, are repealed and the following substituted therefor:
 - 4.—(1) Subject to the approval of the Minister first being Establishobtained, the council of a county or the councils of discontinutwo or more adjoining counties, may by by-law ance of two or more adjoining and or districts.

 the whole or parts of two or more adjoining municipalities situated within the county or counties as a new high school district, and the council of a county or the councils of two or more adjoining counties may in like manner discontinue any high school district already established within the county or counties.
 - (2) Subject to the approval of the Minister first being Interritorial obtained, the council of a municipality or the councils of two or more adjoining municipalities in a territorial district may pass by-laws establishing the whole or any part of the municipality or municipalities as a new high school district.
 - (3) A by-law passed under subsection 1 or 2 shall be Time of passing and passed on or before the 1st day of July in any year, effective and shall take effect on the 1st day of January next by-law. following the passing of the by-law unless otherwise provided therein.

First meeting of new board.

(4) The clerk of the municipality shall call the first meeting of a newly Organized high school board, but where the new high school district extends beyond one municipality the clerk of the municipality having the largest population within the district, according to the last revised assessment roll, shall call the first meeting.

Establishment of high schools. (5) The board of a high school district established under subsection 1 or 2 may establish a high school and, with the approval of the Minister, such additional high schools as the board may deem necessary, and, subject to the provisions of section 43, may provide for the location, erection, maintenance and management of the high school or high schools so established.

Establishment of district in unorganized territory. (6) The Lieutenant-Governor in Council may establish the whole or any part of an unorganized township or a separated town and the whole or any part of an unorganized township as a high school district.

Enlargement of districts. 5.—(1) Subject to the approval of the Minister, the council of a county or the councils of two or more adjoining counties, in one or more of which a high school district has been established, may upon the request of any municipality or municipalities situated within the county or counties and adjoining the high school district, by by-law provide that the whole or part of such municipality or municipalities shall be added to the high school district.

In territorial districts.

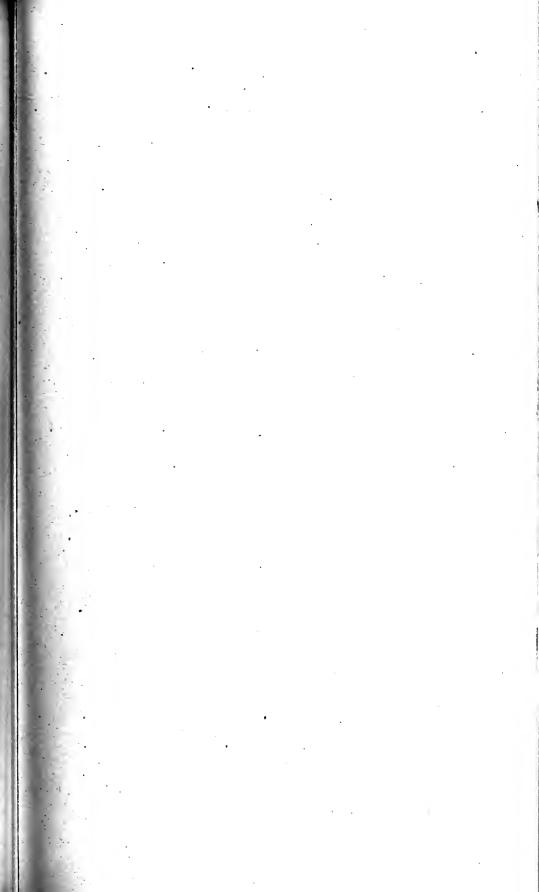
(2) Subject to the approval of the Minister, the council of a municipality or the councils of two or more adjoining municipalities, in a territorial district, may pass by-laws providing that the whole or any part of such municipality or municipalities shall be added to a high school district which has been established in one or more of such municipalities.

Assets and liabilities of original board.

(3) Where a high school district is enlarged under subsection 1 or 2, the assets of the board of such district shall forthwith be vested in and the liabilities thereof shall forthwith become the liabilities of the board of the enlarged high school district, unless otherwise provided by the by-law or by-laws.

Time of passing and effective date of by-law.

(4) A by-law passed under subsection 1 or 2 shall be passed on or before the 1st day of July in any year, and shall take effect on the 1st day of January next following the passing of the by-law unless otherwise provided therein.





- 6.—(1) Subject to the approval of the Minister the councilaries of a county or the councils of two or more adhigh school joining counties which has or have established a high school district, may, upon the request of the council of a municipality which forms part of the high school district, by by-law detach the whole or any part of the municipality from the high school district, and such by-law shall be passed on or before the 1st day of July in any year, and shall take effect on the 1st day of January next following the passing of the by-law, unless otherwise provided therein.
- (2) Where a municipality or part thereof is detached Payment from a high school district under subsection 1, such municipality or part thereof shall not be relieved from any rates imposed for the payment of debentures or other debts incurred while forming part of such district unless otherwise provided in the by-law or by-laws.
- 7.—(1) Subject to the provisions of subsection 3, every City and separated city and separated town is hereby established as a town a high school district, and a high school shall be estab- district. lished in every such high school district unless a continuation school has been established prior to the 18th day of April, 1933, and is maintained in such district with the approval of the Minister.
- (2) Where a high school has been established in a city Additional or separated town the board of high school trustees or board of education of the city or town may establish such additional high schools as it may deem necessary and, subject to the provisions of section 43, may provide for the location, erection, maintenance and management thereof.
- (3) Subject to the approval of the Minister the council Discontinuous of a city or separated town in a county may by ing district by-law discontinue its high school district, and separated town.
 - (a) provide for the inclusion of such city or separated town in a new high school district; or
 - (b) provide that such city or separated town be added to an existing high school district.
- (4) Subject to the approval of the Minister, the council Increasing of a city or separated town in a county may by city or by-law provide that the whole or part of a munici-separated pality or municipalities adjoining the city or separ-

ated town be added to the high school district of the city or separated town.

Time of passing and effective date of by-law.

(5) A by-law passed under subsection 3 or 4 shall be passed on or before the 1st day of July in any year, and shall take effect on the 1st day of January next following the passing of the by-law, unless otherwise provided therein.

Conditions re by-laws.

7a.—(1) No by-law,—

- (a) passed under subsection 1 of section 4 establishing a new high school district, by which a city or separated town is included in the high school district; or
- (b) passed under subsection 1 of section 5 adding a city or separated town to an existing high school district,

shall be effectual unless and until the council of the city or separated town passes a by-law under subsection 3 of section 7.

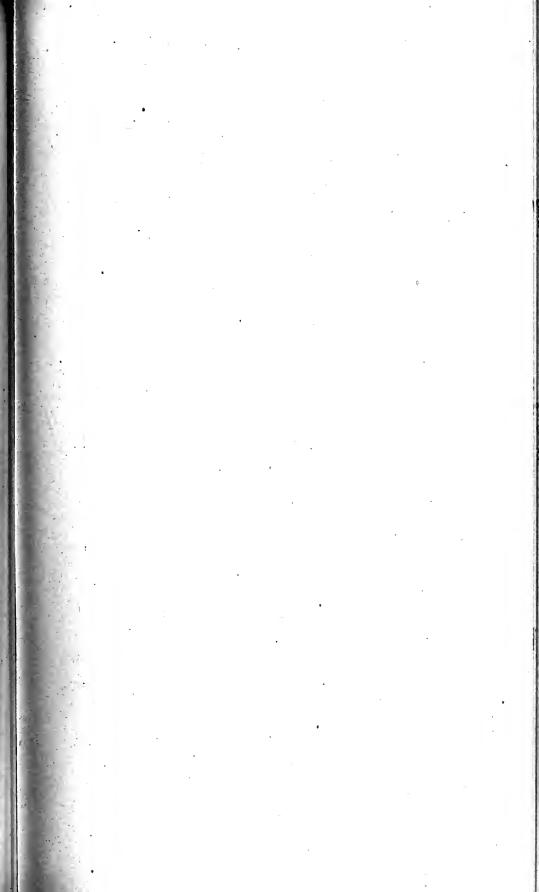
Idem.

(2) No by-law passed under subsection 4 of section 7 adding the whole or part of one or more municipalities adjoining a city or separated town to the high school district of the city or separated town shall be effectual unless and until the council of the county or the councils of the counties, in which the municipality or municipalities to be added are situated, pass a by-law or by-laws under subsection 1 of section 5.

Assets and liabilities of discontinued boards.

7b. Where a high school district is discontinued and the municipality or municipalities comprising the district form part of a new high school district, or are included in an enlarged high school district, the assets of the board of the discontinued district shall forthwith be vested in and the liabilities thereof shall forthwith become the liabilities of the board of the new or enlarged high school district, as the case may be, unless otherwise provided in the by-laws discontinuing the high school district.

Interpretation "adjoining". 7c. In sections 4 to 7b inclusive, "adjoining" shall mean touching at any point, and where more than two counties or municipalities are concerned they shall be deemed to be adjoining if each of such counties or municipalities adjoins one or more of the other counties or municipalities.



Sections 2, 3, and 4. Sections 13, 19 and 20 of the Act as re-enacted in this Bill are intended to provide a system for the appointment of trustees to high school boards which will give representation on the board based upon population.

- 2. Section 13 of *The High Schools Act*, as amended by sec-Rev. Stat., tion 14 of *The School Law Amendment Act*, 1938, and sub-re-enacted. section 1 of section 8 of *The School Law Amendment Act*, 1939, is repealed and the following substituted therefor:
 - 13.—(1) Where a high school district comprises one or Appointment of more municipalities not separated from the county trustees,—for municipal purposes, subject to *The Boards of* Rev. Stat., *Education Act*, trustees shall be appointed by the c. 361. council or councils of the municipality or municipalities included in the district as follows,—
 - (a) where the district comprises only one munici-where one pality, the council shall appoint three trustees, pality; one of whom shall retire each year;
 - (b) where the district comprises two municipali-where two municipalities;
 - (i) the council of a municipality having a population within the district of 3,000 or more according to the last revised assessment roll shall appoint three trustees, and
 - (ii) the council of a municipality having a population within the district of less than 3,000 according to the last revised assessment roll shall appoint two trustees,

one of whom in each case shall retire each year; and

- (c) where the district comprises more than two where more than two municipalities,—

 municipalities.
 - (i) the council of a municipality having a population within the district of 6,000 or more according to the last revised assessment roll shall appoint three trustees, one of whom shall retire each year,
 - (ii) the council of a municipality having a population within the district of 3,000 but less than 6,000 according to the last revised assessment roll shall appoint two trustees, one of whom shall retire each year, and

(iii) the council of a municipality having a population within the district of less than 3,000 according to the last revised assessment roll shall appoint one trustee who shall hold office for two years.

Part of a municipality not deemed a municipality. (2) A part of a municipality which is assessed for school purposes in the high school district for less than \$50,000 shall not be deemed a municipality for the purposes of this section.

Where city or separated town included in district. (3) Where a high school district comprises a municipality or municipalities not separated from the county or counties for municipal purposes, and a city or separated town, trustees shall be appointed as provided in subsection 1 and in addition the council of the city or separated town shall appoint three trustees, one of whom shall retire each year.

Appointment of additional trustees, by county council.

- (4) Subject to section 13a, in addition to the trustees appointed in accordance with subsections 1 and 3,—
 - (a) where the whole of the high school district is situated within one county, the council of the county may appoint one trustee who shall hold office for one year; or
 - (b) where the high school district comprises two or more counties or parts thereof, the council of the county having the largest population within the district according to the last revised assessment roll may appoint one trustee who shall hold office for one year.

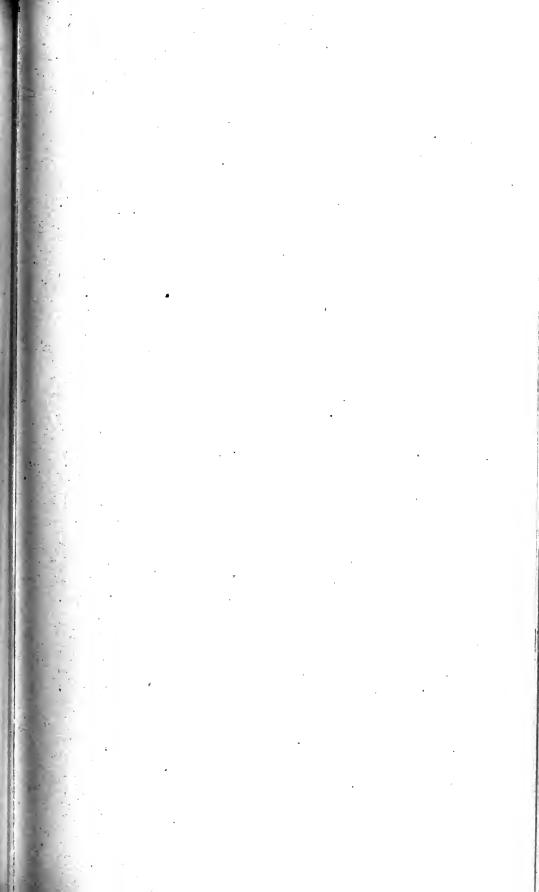
Trustees where district enlarged or decreased. (5) Where a high school district is enlarged or decreased, the trustees shall be appointed as if the enlarged or decreased district were a new district.

Rev. Stat., c. 360, s. 19, re-enacted. **3**. Section 19 of *The High Schools Act* is repealed and the following substituted therefor:

Representation of separate school boards. 19.—(1) Where one separate school is maintained in a high school district, the board of separate school trustees may appoint to the board one trustee who shall not be a member of the separate school board and who shall hold office for one year.

Idem.

(2) Where more than one separate school is maintained in a high school district, the board of trustees of the separate school or schools having the highest average attendance of pupils below grade IX for the



Section 5. The new clause gives the board of a high school district which comprises two or more municipalities or parts thereof, power to borrow pending receipt of taxes and grants.

preceding year, as certified by the separate school inspector, may appoint to the board one trusteee who shall not be a member of the separate school board and who shall hold office for one year.

- **4.** Section 20 of *The High Schools Act* is repealed and the Rev. Stat., following substituted therefor:
 - 20.—(1) Where one public school is maintained in a high Representation of public school district, the board of public school trustees lie school may appoint to the board one trustee who shall not be a member of the public school board and who shall hold office for one year.
 - (2) Where more than one public school is maintained in Idem. a high school district, the board of trustees of the public school or schools having the highest average attendance of pupils below grade IX for the preceding year, as certified by the public school inspector, may appoint to the board one trustee who shall not be a member of the public school board and who shall hold office for one year.
 - (3) In the case of the first board of a new high school Appointment to district, in lieu of the appointment under subsection first board of new 2, where,—

 district.
 - (a) a board of education is being dissolved and the municipality or municipalities over which the board has jurisdiction are included in the new high school district; and
 - (b) the average attendance of pupils below grade IX for the preceding year in the school or schools under its jurisdiction, as certified by the public school inspector, exceeds the average attendance of such pupils in any public school section within the district.

the board of education may appoint to the board one trustee who shall not be a member of the board of education and who shall hold office for one year.

- **5.** Section 24 of *The High Schools Act* is amended by adding Rev. Stat., thereto the following clause:
 - (r) to provide, in the case of a high school district which Payment comprises two or more municipalities or parts there-operating costs and costs and of, for the payment of current operating costs, and borrowing if necessary to borrow on the promissory note of the power.
 board, under its corporate seal, at interest not

exceeding eight per centum per annum, such moneys as may be required for that purpose until the current year's taxes and legislative grants have been received.

Rev. Stat., c. 360, s. 25, amended.

6. Section 25 of *The High Schools Act* is amended by adding thereto the following subsection:

Mileage allowance.

(2) The board of a high school district which comprises two or more municipalities or parts thereof may pay to each trustee a mileage allowance not exceeding seven cents for each mile necessarily travelled by him in going to the meetings of the board from his home and in returning to his home, provided that no such allowance shall be paid in respect of more than eight meetings in any year.

Rev. Stat., c. 360, s. 50, re-enacted.

7. Section 50 of *The High Schools Act* is repealed and the following substituted therefor:

Admission on Entrance Certificate.

50.—(1) Where an applicant holds a High School Entrance Certificate he shall be admitted to grade IX.

Admission on recommendation.

- (2) An applicant who does not hold a High School Entrance Certificate and did not write the last preceding high school entrance examinations, shall be admitted to a high school where,—
 - (a) the high school principal and public school inspector recommend to the Minister that he be admitted; and
 - (b) the Minister approves the recommendation.

Contents of recom-mendation.

- (3) The recommendation shall,—
 - (a) be signed by the high school principal and public school inspector; and
 - (b) set forth the age and school record of the applicant and the reason he did not write the last preceding high school entrance examinations.

Admission to grades X to XIII.

(4) An applicant for admission to grade X, XI, XII or XIII shall be admitted after the principal has satisfied himself that the applicant is competent to undertake the work of the grade to which he has applied for admission.

Section 6. Self-explanatory.

Section 7. Section 50 as re-enacted by this section of the Bill brings up to date the out-moded provisions as to admission of pupils to high schools.



- (5) Where the principal is not satisfied that an applicant Reduction is competent to undertake the work of the grade to principal. which the applicant has applied for admission, he may place him in a lower grade.
- (6) A candidate shall be entitled to enter a high school Admission which is conducted at night if, in the opinion of the high schools. principal of the high school and of the public school inspector or the chief public school inspector of the high school district, after due examination or other investigation, he is competent to take up the subjects as prescribed by the regulations, but such admission shall not entitle him to admission to the high school when conducted by day.
- 8. This Act shall come into force on the day upon which Commenceit receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1947.
- 9. This Act may be cited as The High Schools Amendment Short title. Act. 1947.

An Act to amend The High Schools Act.

1st Reading March 25th, 1947

2nd Reading

3rd Reading

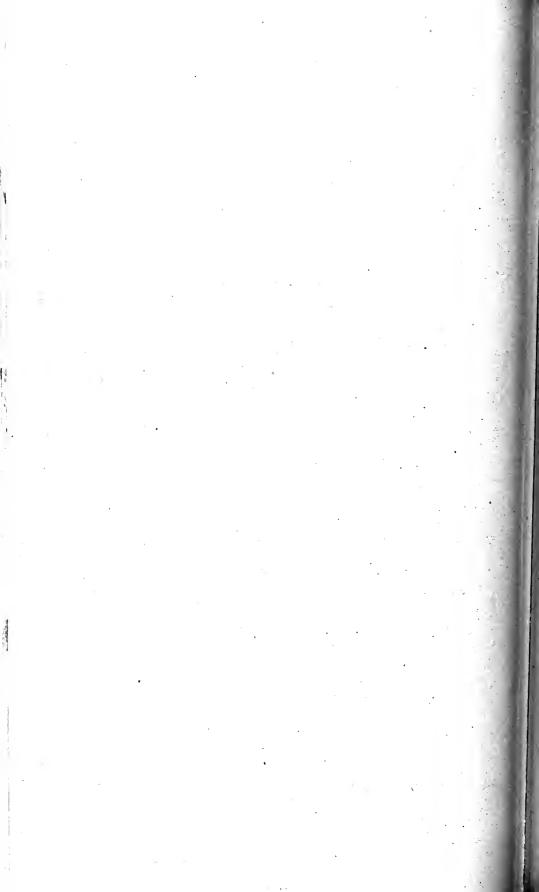
Mr. Drew

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The High Schools Act.

Mr. Drew



1947

BILL

An Act to amend The High Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 4 and 5, as re-enacted by sections 1 and 2 of Rev. Stat.. The High Schools Amendment Act, 1946; section 6, as amended \$5.4.5 (1946, c. 37) by section 11 of The School Law Amendment Act, 1938, sub-\$5.1.2). sections 1 and 2 of section 2 of The School Law Amendment re-enacted. Act, 1940, section 6 of The School Law Amendment Act, 1941, and section 3 of The High Schools Amendment Act, 1946; and section 7, as amended by section 12 of The School Law Amendment Act, 1938, of The High Schools Act, are repealed and the following substituted therefor:

- 4.—(1) Subject to the approval of the Minister first being Establishobtained, the council of a county or the councils of discontinutwo or more adjoining counties, may by by-law ance of
 high school establish the whole or any part of a municipality or districts.

 the whole or parts of two or more adjoining municipalities situated within the county or counties as a
 new high school district, and the council of a county
 or the councils of two or more adjoining counties
 may in like manner discontinue any high school district already established within the county or
 counties.
- (2) Subject to the approval of the Minister first being Interritorial obtained, the council of a municipality or the councils of two or more adjoining municipalities in a territorial district may pass by-laws establishing the whole or any part of the municipality or municipalities as a new high school district.
- (3) A by-law passed under subsection 1 or 2 shall be Time of passing and passed on or before the 1st day of July in any year, effective and shall take effect on the 1st day of January next by-law. following the passing of the by-law unless otherwise provided therein.

First meeting of new board.

(4) The clerk of the municipality shall call the first meeting of a newly Organized high school board, but where the new high school district extends beyond one municipality the clerk of the municipality having the largest population within the district, according to the last revised assessment roll, shall call the first meeting.

Establishment of high schools.

(5) The board of a high school district established under subsection 1 or 2 may establish a high school and, with the approval of the Minister, such additional high schools as the board may deem necessary, and, subject to the provisions of section 43, may provide for the location, erection, maintenance and management of the high school or high schools so established.

Establishment of district in unorganized territory. (6) The Lieutenant-Governor in Council may establish the whole or any part of an unorganized township or a separated town and the whole or any part of an unorganized township as a high school district.

Enlargement of districts. 5.—(1) Subject to the approval of the Minister, the council of a county or the councils of two or more adjoining counties, in one or more of which a high school district has been established, may upon the request of any municipality or municipalities situated within the county or counties and adjoining the high school district, by by-law provide that the whole or part of such municipality or municipalities shall be added to the high school district.

In territorial districts.

(2) Subject to the approval of the Minister, the council of a municipality or the councils of two or more adjoining municipalities, in a territorial district, may pass by-laws providing that the whole or any part of such municipality or municipalities shall be added to a high school district which has been established in one or more of such municipalities.

Assets and liabilities of original board.

(3) Where a high school district is enlarged under subsection 1 or 2, the assets of the board of such district shall forthwith be vested in and the liabilities thereof shall forthwith become the liabilities of the board of the enlarged high school district, unless otherwise provided by the by-law or by-laws.

Time of passing and effective date of by law.

(4) A by-law passed under subsection 1 or 2 shall be passed on or before the 1st day of July in any year, and shall take effect on the 1st day of January next following the passing of the by-law unless otherwise provided therein.

6.—(1) Subject to the approval of the Minister the coun-Decreasing cil of a county or the councils of two or more ad-high school joining counties which has or have established a high school district, may, upon the request of the council of a municipality which forms part of the high school district, by by-law detach the whole or any part of the municipality from the high school district, and such by-law shall be passed on or before the 1st day of July in any year, and shall take effect on the 1st day of January next following the passing of the by-law, unless otherwise provided therein.

- (2) Where a municipality or part thereof is detached Payment of rates. from a high school district under subsection 1, such municipality or part thereof shall not be relieved from any rates imposed for the payment of debentures or other debts incurred while forming part of such district unless otherwise provided in the by-law or by-laws.
- 7.—(1) Subject to the provisions of subsection 3, every City and separated city and separated town is hereby established as a town a high school district, and a high school shall be estab-district. lished in every such high school district unless a continuation school has been established prior to the 18th day of April, 1933, and is maintained in such district with the approval of the Minister.
- (2) Where a high school has been established in a city Additional or separated town the board of high school trustees or board of education of the city or town may establish such additional high schools as it may deem necessary and, subject to the provisions of section 43, may provide for the location, erection, maintenance and management thereof.
- (3) Subject to the approval of the Minister the council Discontinuof a city or separated town in a county may by ing district by-law discontinue its high school district, and separated town.
 - (a) provide for the inclusion of such city or separated town in a new high school district; or
 - (b) provide that such city or separated town be added to an existing high school district.
- (4) Subject to the approval of the Minister, the council Increasing of a city or separated town in a county may by city or by-law provide that the whole or part of a munici-separated town. pality or municipalities adjoining the city or separ-

ated town be added to the high school district of the city or separated town.

Time of passing and effective date of by-law.

(5) A by-law passed under subsection 3 or 4 shall be passed on or before the 1st day of July in any year, and shall take effect on the 1st day of January next following the passing of the by-law, unless otherwise provided therein.

Conditions re by-laws.

7a.—(1) No by-law,—

- (a) passed under subsection 1 of section 4 establishing a new high school district, by which a city or separated town is included in the high school district; or
- (b) passed under subsection 1 of section 5 adding a city or separated town to an existing high school district,

shall be effectual unless and until the council of the city or separated town passes a by-law under subsection 3 of section 7.

Idem.

(2) No by-law passed under subsection 4 of section 7 adding the whole or part of one or more municipalities adjoining a city or separated town to the high school district of the city or separated town shall be effectual unless and until the council of the county or the councils of the counties, in which the municipality or municipalities to be added are situated, pass a by-law or by-laws under subsection 1 of section 5.

Assets and liabilities of discontinued boards.

7b. Where a high school district is discontinued and the municipality or municipalities comprising the district form part of a new high school district, or are included in an enlarged high school district, the assets of the board of the discontinued district shall forthwith be vested in and the liabilities thereof shall forthwith become the liabilities of the board of the new or enlarged high school district, as the case may be, unless otherwise provided in the by-laws discontinuing the high school district.

Interpretation "adjoining". 7c. In sections 4 to 7b inclusive, "adjoining" shall mean touching at any point, and where more than two counties or municipalities are concerned they shall be deemed to be adjoining if each of such counties or municipalities adjoins one or more of the other counties or municipalities.

- 2. Section 13 of The High Schools Act, as amended by sec-Rev. Stat., tion 14 of The School Law Amendment Act, 1938, and sub-re-enacted. section 1 of section 8 of The School Law Amendment Act, 1939, is repealed and the following substituted therefor:
 - 13.—(1) Where a high school district comprises one or Appointmore municipalities not separated from the county trustees,—for municipal purposes, subject to *The Boards of* Rev. Stat., *Education Act*, trustees shall be appointed by the c. 361. council or councils of the municipality or municipalities included in the district as follows,—
 - (a) where the district comprises only one munici-where one pality, the council shall appoint three trustees, pality; one of whom shall retire each year;
 - (b) where the district comprises two municipali-where two municipalities;
 - (i) the council of a municipality having a population within the district of 3,000 or more according to the last revised assessment roll shall appoint three trustees, and
 - (ii) the council of a municipality having a population within the district of less than 3,000 according to the last revised assessment roll shall appoint two trustees,

one of whom in each case shall retire each year; and

- (c) where the district comprises more than two where more than two municipalities,—

 municipalities,—

 municipalities.
 - (i) the council of a municipality having a population within the district of 6,000 or more according to the last revised assessment roll shall appoint three trustees, one of whom shall retire each year,
 - (ii) the council of a municipality having a population within the district of 3,000 but less than 6,000 according to the last revised assessment roll shall appoint two trustees, one of whom shall retire each year, and

(iii) the council of a municipality having a population within the district of less than 3,000 according to the last revised assessment roll shall appoint one trustee who shall hold office for two years.

Part of a municipality not deemed a municipality.

(2) A part of a municipality which is assessed for school purposes in the high school district for less than \$50,000 shall not be deemed a municipality for the purposes of this section.

Where city or separated town included in district. (3) Where a high school district comprises a municipality or municipalities not separated from the county or counties for municipal purposes, and a city or separated town, trustees shall be appointed as provided in subsection 1 and in addition the council of the city or separated town shall appoint three trustees, one of whom shall retire each year.

Appointment of additional trustees, by county council.

- (4) Subject to section 13a, in addition to the trustees appointed in accordance with subsections 1 and 3,—
 - (a) where the whole of the high school district is situated within one county, the council of the county may appoint one trustee who shall hold office for one year; or
 - (b) where the high school district comprises two or more counties or parts thereof, the council of the county having the largest population within the district according to the last revised assessment roll may appoint one trustee who shall hold office for one year.

Trustees where district enlarged or decreased. (5) Where a high school district is enlarged or decreased, the trustees shall be appointed as if the enlarged or decreased district were a new district.

Rev. Stat., c. 360, 8. 19, 3. Section 19 of *The High Schools Act* is repealed and the re-enacted. following substituted therefor:

Representation of separate school boards. 19.—(1) Where one separate school is maintained in a high school district, the board of separate school trustees may appoint to the board one trustee who shall not be a member of the separate school board and who shall hold office for one year.

Idem.

(2) Where more than one separate school is maintained in a high school district, the board of trustees of the separate school or schools having the highest average attendance of pupils below grade IX for the

preceding year, as certified by the separate school inspector, may appoint to the board one trusteee who shall not be a member of the separate school board and who shall hold office for one year.

- **4.** Section 20 of *The High Schools Act* is repealed and the Rev. Stat., following substituted therefor:
 - 20.—(1) Where one public school is maintained in a high Representation of public school district, the board of public school trustees lie school may appoint to the board one trustee who shall not be a member of the public school board and who shall hold office for one year.
 - (2) Where more than one public school is maintained in Idem. a high school district, the board of trustees of the public school or schools having the highest average attendance of pupils below grade IX for the preceding year, as certified by the public school inspector, may appoint to the board one trustee who shall not be a member of the public school board and who shall hold office for one year.
 - (3) In the case of the first board of a new high school Appointment to district, in lieu of the appointment under subsection first board of new 2, where,—

 district.
 - (a) a board of education is being dissolved and the municipality or municipalities over which the board has jurisdiction are included in the new high school district; and
 - (b) the average attendance of pupils below grade IX for the preceding year in the school or schools under its jurisdiction, as certified by the public school inspector, exceeds the average attendance of such pupils in any public school section within the district.

the board of education may appoint to the board one trustee who shall not be a member of the board of education and who shall hold office for one year.

- **5.** Section 24 of *The High Schools Act* is amended by adding Rev. Stat., thereto the following clause:

 C. 360, s. 24, amended.
 - (r) to provide, in the case of a high school district which Payment of current comprises two or more municipalities or parts there-operating of, for the payment of current operating costs, and borrowing if necessary to borrow on the promissory note of the power. board, under its corporate seal, at interest not

exceeding eight per centum per annum, such moneys as may be required for that purpose until the current year's taxes and legislative grants have been received.

Rev. Stat., c. 360, s. 25, amended. 6. Section 25 of *The High Schools Act* is amended by adding thereto the following subsection:

Mileage allowance.

(2) The board of a high school district which comprises two or more municipalities or parts thereof may pay to each trustee a mileage allowance not exceeding seven cents for each mile necessarily travelled by him in going to the meetings of the board from his home and in returning to his home, provided that no such allowance shall be paid in respect of more than eight meetings in any year.

Rev. Stat., c. 360, s. 50, re-enacted.

7. Section 50 of *The High Schools Act* is repealed and the following substituted therefor:

Admission on Entrance Certificate.

50.—(1) Where an applicant holds a High School Entrance Certificate he shall be admitted to grade IX.

Admission on recommendation.

- (2) An applicant who does not hold a High School Entrance Certificate and did not write the last preceding high school entrance examinations, shall be admitted to a high school where,—
 - (a) the high school principal and public school inspector recommend to the Minister that he be admitted; and
 - (b) the Minister approves the recommendation.

Contents of recommendation.

- (3) The recommendation shall,—
 - (a) be signed by the high school principal and public school inspector; and
 - (b) set forth the age and school record of the applicant and the reason he did not write the last preceding high school entrance examinations.

Admission to grades X to XIII. (4) An applicant for admission to grade X, XI, XII or XIII shall be admitted after the principal has satisfied himself that the applicant is competent to undertake the work of the grade to which he has applied for admission.

- (5) Where the principal is not satisfied that an applicant Reduction is competent to undertake the work of the grade to principal. which the applicant has applied for admission, he may place him in a lower grade.
- (6) A candidate shall be entitled to enter a high school Admission which is conducted at night if, in the opinion of the high schools principal of the high school and of the public school inspector or the chief public school inspector of the high school district, after due examination or other investigation, he is competent to take up the subjects as prescribed by the regulations, but such admission shall not entitle him to admission to the high school when conducted by day.
- 8. This Act shall come into force on the day upon which Commenceit receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1947.
- 9. This Act may be cited as The High Schools Amendment short title. Act, 1947.

1st Reading March 25th, 1947

2nd Reading March 31st, 1947

3rd Reading

April 2nd, 1947

Mr. Drew

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Public Libraries Act.

Mr. Drew

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
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EXPLANATORY NOTES

Section 1. This amendment is complementary to Part IIA of the Act as added by section 5 of the Bill .

Sections 2-4. These sections provide for the establishment of a public library in a township school area. The procedure to be followed in connection with such libraries is based upon the procedure set out for school sections. The provisions of the repealed subsection 1 of section 8 are now in section 3 of the Act.

No. 111 1947

BILL

An Act to amend The Public Libraries Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 1 of *The Public Libraries Act* is amended by Rev. Stat., adding thereto the following clause:
 - (cc) "Library co-operative" shall mean a co-operative "Library library association established in accordance with the tive".

 provisions of this Act in a county or territorial district.
- 2. Section 3 of *The Public Libraries Act* is amended by Rev. Stat., striking out the words "or school section" in the second line amended. and inserting in lieu thereof the words "rural school section, union school section or township school area", so that the said section shall now read as follows:
 - 3. A public library may be established in a city, town, Where village, police village, township, rural school section, may be union school section or township school area under the conditions and in the manner hereinafter provided.
- 3. Subsection 1 of section 8 of The Public Libraries Act Rev. Stat., is repealed.

 Subsection 1 of section 8 of The Public Libraries Act Rev. Stat., c. 283, s. 8, subs. 1, repealed.
- **4.** The Public Libraries Act is amended by adding thereto Rev. Stat., the following headings and sections:

Township School Areas.

8a.—(1) The petition for the establishment of a public Petition. library in a township school area shall be in Form 3 with such alterations as may be necessary and shall be signed by a majority of the public and separate school supporters in the township school area, and upon the filing of the petition with an affidavit of the due execution thereof with the clerk of the township,

or, where the township school area extends beyond one township, with the clerk of the township having the greatest equalized assessment within the township school area, the clerk shall examine the petition.

Notice to Minister and school trustees. (2) If the clerk finds that the petition contains the names of a majority of the public and separate school supporters in the township school area, he shall forthwith give notice in writing to the Minister, to the public school trustees of the township school area, and to the trustees of any separate school in the township school area, of the filing of the petition.

Appointment of board.

(3) Upon receipt of the notice, it shall be the duty of the trustees to make appointments to the board of the public library as hereinafter provided.

Appointments in Township School Areas.

In township school areas.

18a.—(1) Where there is no separate school in the township school area, the board shall be composed of five persons appointed by the public school trustees.

Idem.

(2) Where there is a separate school in the township school area, the board shall be composed of three persons appointed by the public school trustees, and two persons appointed by the separate school trustees.

Appointments annually. (3) All appointments shall be made annually.

Rev. Stat., c. 283, amended. **5**. *The Public Libraries Act* is amended by adding thereto the following Part:

PART IIA.

COUNTY AND DISTRICT LIBRARY CO-OPERATIVES.

Establishment.

In counties.

76a. The council of a county, upon receipt of a petition signed by the duly authorized officers of at least fifty per centum of the total number of library boards and boards of management established under this Act within the county, may after the approval of the petition by the Minister, pass a by-law establishing such boards as a county library co-operative, to be known as "The County Library Co-operative".

SECTION 5. This section provides the methods of establishing and creating the boards of county and district library co-operatives. The purpose of a co-operative is to purchase books and distribute them among its members for circulation, thus giving the smaller libraries an opportunity of obtaining for a period, books which they have not had the means to purchase.

Section 6. Clause a of section 77 is re-enacted in simpler form. It formerly read as follows:

(a) for the apportionment and distribution of all money appropriated by the Legislature for public libraries, including grants, organization, services, cost of books, expenses and contingencies, library institutes, library schools and travelling libraries, special libraries and library associations.

- 76b. The Minister, upon receipt of a petition signed by Interritorial the duly authorized officers of at least five library boards and boards of management established under this Act in a territorial district, may establish such boards as a district library co-operative to be known as "The District Library Co-operative".
- 76c. In addition to the library boards and boards of Membership management originally constituting a co-operative, any other library boards, boards of management, school boards and such other organizations as the Minister may approve, within the county or territorial district, may become members of the co-operative by agreement with the board of the co-operative, and the agreement shall be filed with the Minister.

Boards.

- 76d.—(1) The management, regulation and control of a Control county or district library co-operative shall be vested board. in a board to be known as "The County (or District) Library Co-operative Board" (inserting the name of the county or district), and the board shall be responsible to the members of the co-operative.
- (2) The Board of a county library co-operative shall be Composition composed of the warden of the county and six of board,—a members appointed by the county council, three of whom shall be members of the county council.
- (3) The board of a district library co-operative shall be in territorial composed of seven members, of whom four shall be districts. appointed by the members of the co-operative and three by the Minister.
- (4) Except in the case of a newly established library co-Annual appointments to the board of a library ments. co-operative shall be effective on the 1st day of January and shall be for a period of one year.
- 76e. The purpose of a library co-operative shall be to Purpose of purchase and distribute books for circulation by its operative. member organizations.
- 6. Clause a of section 77 of The Public Libraries Act is Rev. Stat.. c. 283, s. 77, repealed and the following substituted therefor: cl. a, reenacted.
 - (a) for the apportionment and distribution of all money appropriated by the Legislature for library purposes.

Rev. Stat., c. 283, s. 79, amended.

7. Section 79 of *The Public Libraries Act* is amended by striking out the first four lines and clause a and inserting in lieu thereof the following:

Payments out of legislative grants,—what authorized.

- 79. Subject to the regulations, the Minister may authorize to be paid out of any money appropriated for library purposes,—
 - (a) grants to boards for public libraries, branch public libraries and county or district library co-operatives;

Organizations may be designated as co-operatives for 1947.

8. For the purpose of making grants during the year 1947 only, the Minister may designate as a county library cooperative any organization which in his opinion is performing the functions of a county library co-operative, and for such purpose an organization so designated shall thereupon be deemed to be a county library co-operative.

Commencement of Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1947.

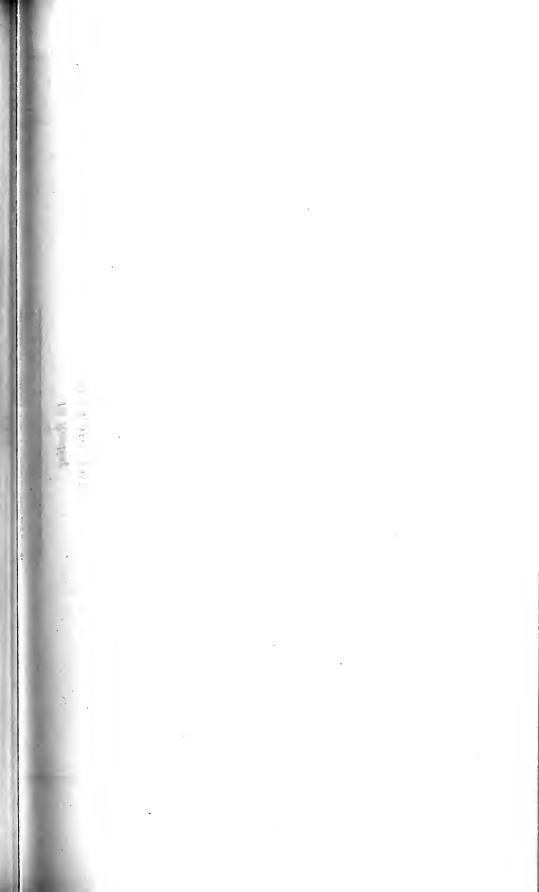
Short title.

10. This Act may be cited as The Public Libraries Amendment Act, 1947.

Section 7. Section 79 is amended to conform with the new clause a of section 77, and to provide authority to pay grants to library co-operatives.

SECTION 8. A number of organizations have already been established for some years for the same purposes as a library co-operative and it is desirable that such organizations should be given grants this year while they are re-organizing in accordance with the new Part IIA. This provision is limited to the year 1947.





1st Reading March 25th, 1947

2nd Reading

3rd Reading

Mr. Drew

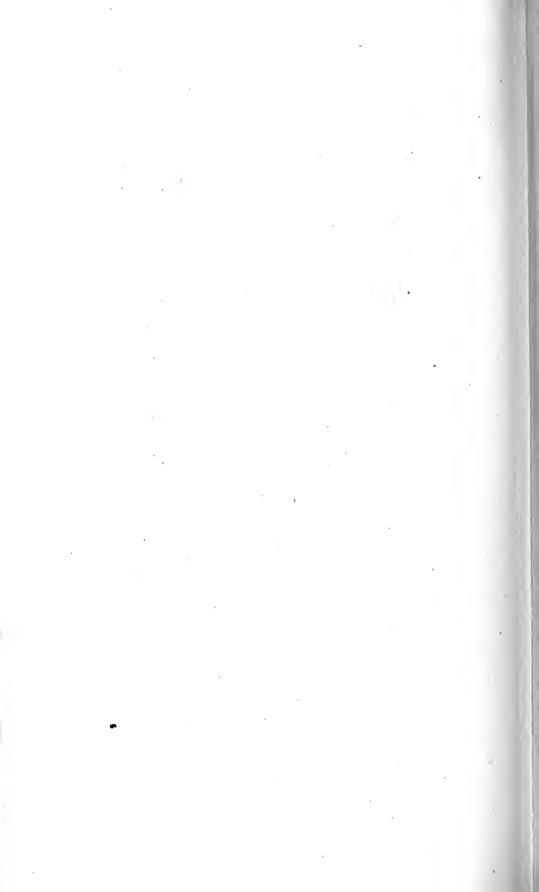
3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Public Libraries Act.

Mr. Drew

TORONTO
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No. 111

1947

BILL

An Act to amend The Public Libraries Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 1 of *The Public Libraries Act* is amended by Rev. Stat., adding thereto the following clause:
 - (cc) "Library co-operative" shall mean a co-operative "Library library association established in accordance with the tive". provisions of this Act in a county or territorial district.
- 2. Section 3 of *The Public Libraries Act* is amended by Rev. Stat., striking out the words "or school section" in the second line amended. and inserting in lieu thereof the words "rural school section. union school section or township school area", so that the said section shall now read as follows:
 - 3. A public library may be established in a city, town, Where village, police village, township, rural school section, may be union school section or township school area under the conditions and in the manner hereinafter provided.
- 3. Subsection 1 of section 8 of The Public Libraries Act Rev. Stat., is repealed.
- **4.** The Public Libraries Act is amended by adding thereto Rev. Stat., the following headings and sections:

Township School Areas.

8a.—(1) The petition for the establishment of a public Petition library in a township school area shall be in Form 3 with such alterations as may be necessary and shall be signed by a majority of the public and separate school supporters in the township school area, and upon the filing of the petition with an affidavit of the due execution thereof with the clerk of the township,

or, where the township school area extends beyond one township, with the clerk of the township having the greatest equalized assessment within the township school area, the clerk shall examine the petition.

Notice to Minister and school trustees.

(2) If the clerk finds that the petition contains the names of a majority of the public and separate school supporters in the township school area, he shall forthwith give notice in writing to the Minister, to the public school trustees of the township school area, and to the trustees of any separate school in the township school area, of the filing of the petition.

Appointment of board.

(3) Upon receipt of the notice, it shall be the duty of the trustees to make appointments to the board of the public library as hereinafter provided.

Appointments in Township School Areas.

In township school areas.

18a.—(1) Where there is no separate school in the township school area, the board shall be composed of five persons appointed by the public school trustees.

Idem.

(2) Where there is a separate school in the township school area, the board shall be composed of three persons appointed by the public school trustees, and two persons appointed by the separate school trustees.

Appointments annually.

(3) All appointments shall be made annually.

Rev. Stat., c. 283, amended. **5**. The Public Libraries Act is amended by adding thereto the following Part:

PART HA.

COUNTY AND DISTRICT LIBRARY CO-OPERATIVES.

Establishment.

In counties.

76a. The council of a county, upon receipt of a petition signed by the duly authorized officers of at least fifty per centum of the total number of library boards and boards of management established under this Act within the county, may after the approval of the petition by the Minister, pass a by-law establishing such boards as a county library co-operative, to be known as "The County Library Co-operative".

- 76b. The Minister, upon receipt of a petition signed by Interritorial the duly authorized officers of at least five library boards and boards of management established under this Act in a territorial district, may establish such boards as a district library co-operative to be known as "The District Library Co-operative".
- 76c. In addition to the library boards and boards of Membership. management originally constituting a co-operative, any other library boards, boards of management, school boards and such other organizations as the Minister may approve, within the county or territorial district, may become members of the co-operative by agreement with the board of the co-operative, and the agreement shall be filed with the Minister.

Boards.

- 76d.—(1) The management, regulation and control of a Control county or district library co-operative shall be vested board. in a board to be known as "The County (or District) Library Co-operative Board" (inserting the name of the county or district), and the board shall be responsible to the members of the co-operative.
- (2) The Board of a county library co-operative shall be Composition composed of the warden of the county and six of board,—
 members appointed by the county council, three of whom shall be members of the county council.
- (3) The board of a district library co-operative shall be in territorial composed of seven members, of whom four shall be districts. appointed by the members of the co-operative and three by the Minister.
- (4) Except in the case of a newly established library co-Annual appointments to the board of a library ments. co-operative shall be effective on the 1st day of January and shall be for a period of one year.
- **76e.** The purpose of a library co-operative shall be to Purpose of purchase and distribute books for circulation by its operative. member organizations.
- **6.** Clause a of section 77 of *The Public Libraries Act* is Rev. Stat... c. 283, s. 77, cl. a, repealed and the following substituted therefor: cl. a, reenacted.
 - (a) for the apportionment and distribution of all money appropriated by the Legislature for library purposes.

Rev. Stat., c. 283, s. 79, amended.

7. Section 79 of The Public Libraries Act is amended by striking out the first four lines and clause a and inserting in lieu thereof the following:

Payments out of legislative grants. what authorized.

- 79. Subject to the regulations, the Minister may authorize to be paid out of any money appropriated for library purposes,—
 - (a) grants to boards for public libraries, branch public libraries and county or district library co-operatives;

Organizations may be desig-

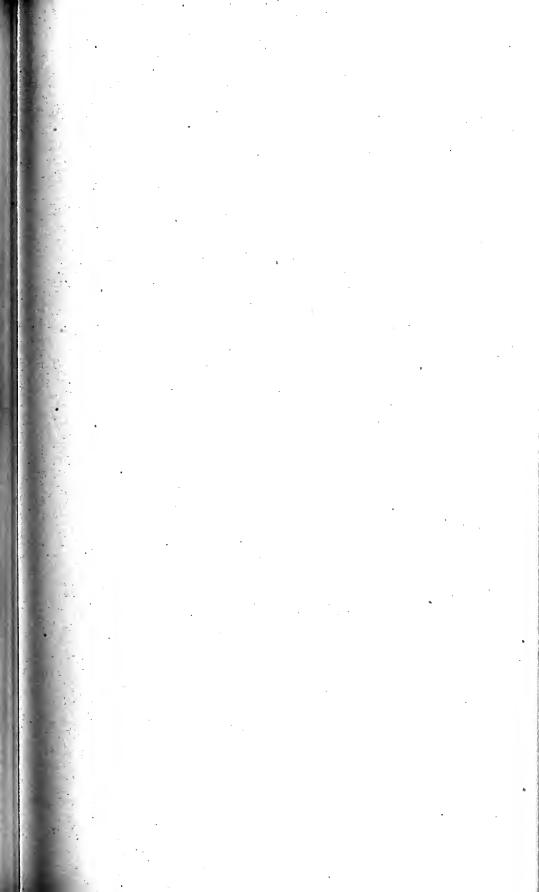
8. For the purpose of making grants during the year 1947 only, the Minister may designate as a county library coco-operatives operative any organization which in his opinion is performing for 1947. the functions of a county library co-operative, and for such purpose an organization so designated shall thereupon be deemed to be a county library co-operative.

Commencement of Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1947.

Short title.

10. This Act may be cited as The Public Libraries Amendment Act, 1947.



1st Reading

March 25th, 1947

2nd Reading

March 31st, 1947

3rd Reading April 2nd, 1947

Mr. Drew

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Assessment Act.

Mr. Dunbar

EXPLANATORY NOTES

Section 1—Subsection 1. The clauses repealed define "corporation" and "income".

Subsection 2. The amendment is made so that the subclause will correspond with sections 44 and 46 of the Act.

Section 2. This amendment is made in order to conform with the repeal of the corporation income provisions of the Act.

Section 3. This amendment is made in order to conform with the repeal of the corporation income provisions of the Act.

No. 112

F ### 5

1947

BILL

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses b and f of section 1 of *The Assessment Act* Rev. Star., e repealed. are repealed.

(2) Subclause v of clause i of the said section 1 is amended Rev. Stat. by striking out the words "railway, electric railway, tramway el. i, subcl. v. amended." or street railway" in the fourth and fifth lines and inserting in lieu thereof the words "transportation system", so that the said subclause shall now read as follows:

- *******(v)** All structures and fixtures erected or placed upon, 👣 🛊 🍓 in, over, under, or affixed to any highway, lane, or other public communication or water; but not the rolling stock of any transportation system.
- **2.** Section 2 of The Assessment Act is amended by striking Rev. Stat., c. 272, s. 2. out the words "income and" in the third line, so that the said amended. section shall now read as follows:
 - 2. All municipal, local or direct taxes or rates shall where All taxes no other express provision is made be levied upon equally upon the whole of the assessment for real property, busi-all assessments. ness or other assessments made under this Act, according to the amounts assessed in respect thereof, and not upon any one or more kinds of property or assessment or in different proportions.
- **3.**—(1) Subsection 1 of section 3 of *The Assessment Act* is Rev. Stat., amended by striking out the words "Subject to the provisions subs. 1, amended of subsection 2" at the commencement thereof and by striking amended. out the words "income and" in the tenth line, so that the said subsection shall now read as follows:
 - (1) Wherever in The Municipal Act, or in any other Rateable general or special Act of this Legislature or in any what to by-law passed under any such Act, the yearly rates Rev. Stat.,

or any special rate are expressly or in effect directed or authorized to be levied upon all the rateable property of a municipality for municipal or school purposes, such rates shall be calculated at so much in the dollar upon the total assessment of the municipality and shall be calculated and levied upon the whole of the assessment for real property, business or other assessment made under this Act.

Rev. Stat., c. 272, s. 3, subss. 2, 3, repealed.

(2) Subsections 2 and 3 of the said section 3 are repealed.

Rev. Stat., c. 272, s. 4, amended. **4.**—(1) Section 4 of *The Assessment Act* is amended by striking out the words "and all income derived, whether within or out of Ontario, by any corporation, or received in Ontario on behalf of any corporation" in the first, second and third lines, so that the said section, exclusive of the paragraphs, shall now read as follows:

Taxable property and exemptions.

4. All real property in Ontario shall be liable to taxation, subject to the following exemptions:

Rev. Stat., c. 272, s. 4, pars. 12, 16, repealed.

(2) Paragraphs 12 and 16 of the said section 4 are repealed.

Rev. Stat., c. 272, s. 4, par. 17, amended. (3) Paragraph 17 of the said section 4 is amended by striking out the words "railway company" in the sixth line and inserting in lieu thereof the words "transportation system", and by striking out the words "tramway or street railway" in the eleventh line and inserting in lieu thereof the words "or transportation system", so that the said paragraph shall now read as follows:

Machinery.

17. All fixed machinery used for manufacturing or farming purposes, including the foundations on which the same rests; but not fixed machinery used, intended or required for the production or supply of motive power including boilers and engines, gas, electric and other motors, nor machinery owned, operated or used by a transportation system or by a person having the right, authority or permission to construct, maintain or operate within Cntario in, under, above, on or through any highway, lane or other public communication, public place or public water, any structure or other thing, for the purposes of a bridge or transportation system, or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of transportation, transmission or conveyance for the supply of water, light, heat, power or other service.

Rev. Stat., c. 272, s. 4, pars. 18, 19, 20, 21, repealed.

(4) Paragraphs 18, 19, 20 and 21 of the said section 4 are repealed.

Section 4—Subsection 1. This amendment is made in order to conform with the repeal of the corporation income provisions of the Act.

Subsection 2. The paragraphs repealed exempted the income of friendly societies and the income of a corporation derived from its farm. See note to subsection 1.

Subsection 3. "Transportation system" is inserted so that the paragraph will correspond with subclause v of clause i of section 1 and with sections 44 and 46 of the Act.

Subsection 4. The paragraphs repealed deal with corporation income, rental of real estate, etc.

Subsection 5. A further attempt is made to clarify this paragraph under which woodlands are exempted.

Section 5. The section repealed provided that incomes taxed by the Province are not to be taxed by a municipality. $\dot{}$

Section 6. The words added are designed to prevent persons from improperly escaping from business assessment.

 $\ensuremath{\mathsf{Section}}$ 7. The sections repealed provided for the assessment of incomes of corporations.

Section 8. This amendment is made in order to conform with the repeal of the corporation income provisions of the Act.

(5) The first nine lines of paragraph 22 of the said section 4, Rev. Stat., as re-enacted by subsection 4 of section 1 of The Assessment par. 22, amended Amendment Act, 1946, are repealed and the following substituted therefor:

22. One acre used for foresty purposes or being wood-"Wood-lands". lands for every ten acres of the farm in one municipality under a single ownership but not more than twenty acres in all, and when the total acreage consists of more than one separately assessed parcel, the assessor shall treat all such parcels as one parcel for the purpose of determining the exemptions under this paragraph and shall apportion the exemption to each parcel in the ratio of the acreage of each parcel used or partly used for forestry purposes or being woodlands or being partly woodlands to the total acreage of all parcels used or partly used for forestry purposes or being woodlands or being partly woodlands.

5. Section 5 of The Assessment Act is repealed.

Rev. Stat., c. 272, s. 5, repealed.

6. Subsection 1 of section 8 of The Assessment Act, as Rev. Stat., amended by section 2 of The Assessment Amendment Act, 1946, subs. 1, is further amended by inserting after the word "of" in the amended. second line the words "or in connection with", so that the first six lines of the said subsection shall now read as follows:

(1) Irrespective of any assessment of land under this Act, assessment. every person occupying or using land for the purpose of, or in connection with, any business mentioned or described in this section shall be assessed for a sum to be called "business assessment" to be computed by reference to the assessed value of the land so occupied or used by him, as follows:

7. Sections 9, 10 and 11 of The Assessment Act are repealed. Rev. Stat., c. 272. ss. 9. repealed.

8. Subsection 13 of section 12 of The Assessment Act is Rev. Stat. amended by striking out the words "and not income assess- c. 272, s. 12, subs. 13, ment?' in the third and fourth lines, so that the said subsection amended. shall now read as follows:

(13) Notwithstanding the provisions of subsection 11, Real property the assessment of a telephone company or telegraph assessment. company under this section shall be deemed to be real property assessment, and the taxes pavable by any such company shall be a lien upon all the lands of the company in the municipality.

Rev. Stat., c. 272, s. 16, amended.

9. Section 16 of The Assessment Act is amended by adding thereto the following subsection:

Right of access.

(2) The assessors shall have free access at all reasonable times and upon reasonable request made to all parts of every building or other premises for the purpose of enabling them to properly assess the same.

Rev. Stat., c. 272, s. 17, subs. 2, repealed.

10. Subsection 2 of section 17 of The Assessment Act is repealed.

Rev. Stat., c. 272, ss. 18, 19, 20, repealed.

11. Sections 18, 19 and 20 of The Assessment Act are repealed.

Rev. Stat., c. 272, . 21, subs. 1, amended.

12.—(1) Subsection 1 of section 21 of The Assessment Act is amended by striking out the words and figures "sections 16" to 20" in the second line and inserting in lieu thereof the word and figures "section 16", so that the said subsection shall now read as follows:

Assessor not bound by returns. (1) The assessor shall not be bound by any statement delivered under section 16, nor shall the same excuse him from making due inquiry to ascertain its cornectness, and, notwithstanding any such statement, the assessor may assess every person for such amount as he believes to be just and correct, and may omit his name or any land which he claims to own or occupy, if the assessor has reason to believe that he is not entitled to be placed on the roll or to be assessed for such land.

Rev. Stat., c. 272, s. 21, subs. 2, repealed.

(2) Subsection 2 of the said section 21 is repealed.

Rev. Stat., e. 272, s. 22, subs. 1, amended.

13. Subsection 1 of section 22 of The Assessment Act is amended by striking out the words "having been duly required to deliver or furnish any written statement or information mentioned in sections 16 to 21" in the first, second and third lines and inserting in lieu thereof the words and figures "having been required to furnish information under section 16", so that the said subsection shall now read as follows:

Penalty for not furnishing information. (1) Every person who, having been required to furnish information under section 16, makes default in delivering or furnishing the same and any corporation which makes default in delivering the statement mentioned in section 13, shall incur a penalty not exceeding \$100 and an additional penalty of \$10 for each day during which default continues.

Rev. Stat. amended.

14. Subsection 3 of section 23 of The Assessment Act is c. 272, s. 23, amended by striking out "Column 21.—Amount of income subs. 3, taxable under sections 9 to 11".

SECTION 9. This provision is new.

SECTION 10. The subsection repealed dealt with the returns to be made by corporations as to income.

SECTION 11. This amendment is made in order to conform with the repeal of the corporation income provisions of the Act.

Section 12. All words that are now inappropriate by reason of the repeal of the corporation income sections of the Act are struck out. This applies to all of subsection 2. It is therefore repealed.

 ${\bf Section}$ 13. The amendment deletes all reference to corporation income.

Section 14. This amendment is made in order to conform with the repeal of the corporation income provisions of the Act.

Section 15. The words are added in order to avoid any possibility of conflict between subsection 1 of section 38 and paragraph 1 of section 4 of the Act, which exempts Crown property.

The effective date is the date the present section came into force.

Section 16—Subsection 1. Self-explanatory.

Subsection 2. This amendment deletes the reference to "income" and makes the tax payable upon a mine subject to the approval of the Department of Municipal Affairs.

Subsection 3. This provision is new. It is designed to ensure an equitable distribution of taxes between municipalities and local boards.

15.—(1) Subsection 1 of section 38 of *The Assessment Act*, Rev. Stat., as re-enacted by section 6 of *The Assessment Amendment Act*, subs. 1 1946, is amended by inserting at the commencement thereof c. 3, s. 6), the words "Notwithstanding paragraph 1 of section 4", so amended. that the said subsection shall now read as follows:

- (1) Notwithstanding paragraph 1 of section 4, the tenant Assessment of land owned by the Crown where rent or any valu-lands. able consideration is paid in respect of such land and the owner of land in which the Crown has an interest and the tenant of such land where rent or any valuable consideration is paid in respect of such land shall be assessed in respect of the land in the same way as if the land was owned or the interest of the Crown was held by any other person.
- (2) This section shall be deemed to have come into force Retroactive on the 5th day of April, 1946.
- **16.**—(1) Subsection 6 of section 39 of *The Assessment Act* Rev. Stat., is amended by striking out the words "income of a corpora-subs. 6, amended." in the first line and inserting in lieu thereof the word "profits" and by striking out the words "income from" in the fourth line, so that the said subsection shall now read as follows:
 - (6) The profits from a mine or mineral work shall be Profits from assessed by, and the tax leviable thereon shall be paid to the municipality in which such mine or mineral work is situate; provided that the assessment on each oil or gas well operated at any time during the year shall be at least \$20.
- (2) The first four lines of subsection 9 of the said section Rev. Stat., 39, as re-enacted by section 3 of *The Assessment Amendment* subs. 9 Act, 1939, are repealed and the following substituted therefor: (1939, amended, amended)
 - (9) Notwithstanding anything in this section contained, Tax on mine, the tax payable to a municipality upon a mine or approved mining work liable to taxation under section 4 of ment.

 The Mining Tax Act shall be subject to the approval Rev. Stat., of the Department and shall not exceed,—
- (3) The said section 39 is amended by adding thereto the Rev. Stat., 60llowing subsection:
 - (9a) The taxes paid to a municipality under this section Distribution shall be distributed among the bodies that would

have received the same had such taxes been levied in the usual way and in the same ratio.

Rev. Stat., c. 272, s. 39, subs. 11, amended.

(4) Subsection 11 of the said section 39 is amended by striking out the word "income" in the second and third lines and inserting in lieu thereof the word "profits" and by striking out the words "and not income assessment" in the fourth and fifth lines and by striking out the word "corporation" in the seventh line and inserting in lieu thereof the word "person", so that the said subsection shall now read as follows:

Mine assessment to be regarded as for real property. (11) Notwithstanding the provisions of subsection 4, but subject to the provisions of subsection 9, the assessment of profits from a mine or mineral work or mining work under this section shall be deemed to be real property assessment, and the taxes payable in accordance with subsection 9 upon such assessment shall be a lien upon all the lands in the municipality of the person liable for payment of such taxes.

Rev. Stat., c. 272, s. 73, subs. 16, repealed.

17. Subsection 16 of section 73 of The Assessment Act is repealed.

Rev. Stat., c. 272, s. 84, subs. 4, (1946, c. 3, s. 21, subs. 2), amended. 18. Subsection 4 of section 84 of *The Assessment Act*, as re-enacted by subsection 2 of section 21 of *The Assessment Amendment Act*, 1946, is amended by inserting after the word "sent" in the second line the words "by the party appealing" and by inserting after the word "thereof" in the third line the words "and to the persons to whom notice of the hearing before the court of revision or judge, as the case may be, was given", so that the said subsection shall now read as follows:

Notice of appeal.

(4) A notice of appeal to the Board under this section shall be sent by the party appealing by registered mail to the secretary thereof and to the persons to whom notice of the hearing before the court of revision or judge, as the case may be, was given within twenty-one days after the decision of the court of revision or county judge has been delivered in open court or when the decision is reserved, within twenty-one days after notice thereof has been given by the clerk under subsection 24 of section 73 or subsection 1 of section 83, as the case may be.

Rev. Stat., c. 272, s. 89a, subs. 3 (1940, c. 1, s. 5), amended.

19. Subsection 3 of section 89a of The Assessment Act, as enacted by section 5 of The Assessment Amendment Act, 1940, is amended by striking out the words "or income" in the tenth line, so that the said subsection shall now read as follows:

Complaint to court of revision. (3) Notice of an appeal by a county assessor to the court of revision of any municipality within the county

Subsection 4. The words are struck out in order to conform with the repeal of the corporation income provisions of the Act.

Section 17. The subsection repealed set out the proceedings to be taken when a person assessed complains of an overcharge on his taxable income.

Section 18. The words added will require persons appealing to the Municipal Board in assessment matters to send copies of the notice of appeal to all parties concerned in the appeal.

Section 19. This amendment is made in order to conform with the repeal of the corporation income provisions of the Act.

Section 20. These amendments are made in order to conform with the repeal of the corporation income provisions of the Act.

Section 21 $\,$ These amendments are made in order to conform with the repeal of the corporation income provisions of the Act.

may be given within twenty days after the return of the assessment roll of such municipality, and such appeal may be with respect to any particular assessment or omission to assess or generally with respect to all the assessments included in the roll or in any area of the municipality defined in the notice or generally with respect to assessments of land only or buildings only or business included in the roll or in any area of the municipality defined in the notice.

20.—(1) Subsection 1 of section 98 of *The Assessment Act*, Rev. Stat., as amended by section 14 of *The Assessment Amendment Act*, subs. 1, amended 1944, is further amended by striking out all the words after the word "contained" in the second line down to and including the word "and" in the seventh line and by striking out the word "only" in the tenth line, so that the said subsection shall now read as follows:

- (1) Notwithstanding anything in this Act or any other County special or general Act contained, the ascertainment, imposition or levy by a county council of any rate for county purposes shall be made and raised upon and from the assessment of real property as equalized and business assessments in the county.
- . (2) Subsection 2 of the said section 98 is amended by Rev. Stat. striking out the words "assessments of income" in the fifth \$\frac{c.272.8.98}{\subseteq}\$. and sixth lines and inserting in lieu thereof the words "busi-amended. ness assessment", so that the said subsection shall now read as follows:
 - (2) When under this Act or any other special or general Local municipality Act any rate is directed or required to be levied in to levy county rates a local municipality forming part of a county for on all county purposes, the same shall in the local munici-rateable property. pality be calculated and levied upon and against the whole rateable property including business assessments within such local municipality according to the last revised assessment roll thereof.

21.—(1) Subsection 3 of section 100 of *The Assessment* Rev. Stat., c. 272, s. 100, *Act* is amended by striking out the words "or income" in the subs. 3, third line, so that the said subsection shall now read as follows:

(3) Notwithstanding any provision of *The Municipal* for taxes *Act* and subject to the provisions of section 125, in case of every person assessed in respect of business upon any death or change of assessment roll which has been revised by the court residence. of revision or county judge shall be liable for any Rev. Stat.. rates which may be levied upon such assessment roll notwithstanding the death or removal from the municipality of the person assessed and notwith-

standing that such rates are not levied until the year following that in which the assessment roll was revised.

Rev. Stat., c. 272, s. 100, subs. 4, repealed.

(2) Subsection 4 of the said section 100 is repealed.

(1946.e. 3, s. 24, subs. 3). amended.

22. Subsection 4 of section 113 of The Assessment Act, Rev. Stat. 22. Subsection 4 of section 113 of *The Assessment Act*, c. 272, s. 113, as re-enacted by subsection 3 of section 24 of *The Assessment* subs. 4 Amendment Act, 1946, is amended by striking out the words "and a similar discount for such similar period prior thereto" in the ninth and tenth lines and inserting in lieu thereof the words "and similar discounts for additional similar periods prior thereto", so that the said subsection shall now read as follows:

Discount for payment in advance.

(4) The council may by by-law authorize the treasurer or collector to receive in any year payments on account of taxes for that year in advance of the day that may be fixed by by-law for the payment of any instalment of such taxes and to allow a discount on any taxes so paid in advance not exceeding onehalf of one per centum for payment within the period of not less than thirty days prior to the day fixed for payment and similar discounts for additional similar periods prior thereto, notwithstanding that the taxes for such year have not been levied, or that the assessment roll on which said taxes are to be fixed and levied has not been adopted by the council, when any such advance payment is made.

Rev. Stat., c. 272, s. 123, 23. Section 123 of The Assessment Act, as amended by repealed. section 8 of The Assessment Amendment Act, 1939, is repealed.

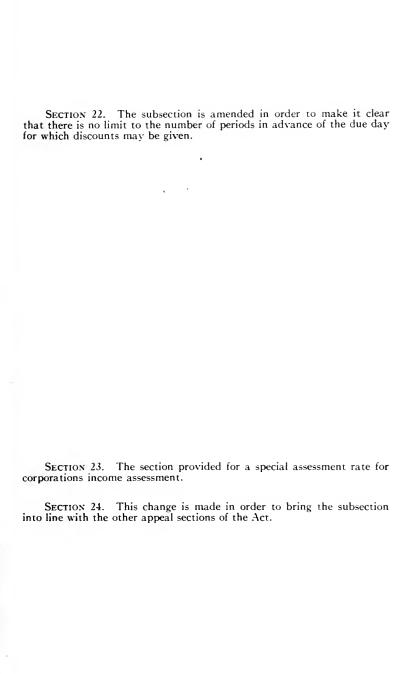
amended.

24. Subsection 2 of section 124 of The Assessment Act is Rev. Stat. 24. Subsection 2 of section 124 of *The Assessment Act* is e. 272, s. 124, amended by inserting after the word "in" in the fourth line the word "the" and by striking out the word "three" in the ninth line and inserting in lieu thereof the word "ten", so that the said subsection shall now read as follows:

Procedure.

(2) Any such by-law shall provide for the when the roll for such business assessment shall be returned, for the holding of a court of revision for hearing appeals from any assessment therein in the manner provided by this Act upon the return of such assessment roll to the clerk, and the time for appeal to the court of revision shall be within ten days after the last day fixed for return of the said roll and the time for appealing from the court of revision to the county judge shall be within ten days after the decision of the court of revision is given.

Rev. Stat., c. 272, s. 126, amended. **25**. Section 126 of *The Assessment Act* is amended by adding thereto the following subsection:



Section 26. These sections which deal with the duties of the treasurer where there is not sufficient distress upon the lands to satisfy the total amount of taxes charged against the same, are not necessary and are therefore repealed. See section 126 (1) of the Act. Last session section 148 of the Act was amended so as not to require the adding to the roll of lands not occupied or built upon prior to the inclusion of such lands in tax sale proceedings.

Section 27. The subsection is re-enacted in order to provide that the statement need only be furnished in cases in which the county treasurer is required to collect the tax arrears. If a municipality has power to sell land for arrears of taxes, there is no point in furnishing the county treasurer with such a statement.

Section 28. The reference to section 136 is deleted as section 136 was repealed in 1946.

Section 29—Subsection 1. The subsection is re-enacted in order to remove any doubt as to the right of redemption in cases where a portion only of the land is sold for arrears of taxes.

(4) When the auditor gives a verification notice to each Verification notice. person mentioned in subsection 2, the clerk or treasurer shall not be obliged to comply with subsection 2 or 3, as the case may be.

Act are repealed.

- 27. Subsection 1 of section 129 of *The Assessment Act* is Rev. Stat., e. 272, s. 129, subs. 1, re-enacted. repealed and the following substituted therefor:
 - (1) In cases in which the county treasurer is required to Statement collect arrears of taxes of a township or village, the furnished treasurer of the township or village, as the case may to county treasurer. be, shall within fourteen days after the time appointed for the return and final settlement of the collector's roll and before the 8th day of April in every year, furnish the county treasurer with a statement of all unpaid taxes and school rates described in the said collector's roll or by school trustees to be collected.

28. Section 137 of The Assessment Act is amended by Rev. Stat., c. 272, s. 137, striking out the words and figures "sections 135 and 136" amended. in the second line and inserting in lieu thereof the word and figures "section 135", so that the said section shall now read as follows:

137. If, on an examination of the non-resident collector's Proceedings where any roll or the return required under section 135 of land is found lands liable to be sold for taxes, or otherwise, it been not to have appears to the treasurer that any land liable to assessed. assessment has not been assessed for the current year, he shall report the same to the clerk of the municipality; thereupon, or if the same comes to the knowledge of the clerk in any other manner, the clerk shall proceed as provided in section 57.

29.—(1) Subsection 1 of section 161 of *The Assessment Act* Rev. Stat., repealed and the following substituted therefor:

subs. 1. is repealed and the following substituted therefor:

(1) If the full amount of the taxes for which the land $\frac{\text{Mode in}}{\text{which the}}$ was offered for sale has not been collected, or if lands shall no person appears to pay the same at the time and the place appointed for the sale, the treasurer shall sell by public auction so much of the land as is sufficient to discharge the taxes, and all lawful charges incurred in and about the sale and the collection of the taxes. selling in preference such part as he may consider best for the owner to sell first, and, in offering or

selling such lands, it shall not be necessary to describe particularly the portion of the lot which is to be sold, but it shall be sufficient to say that he will sell so much of the lot as may be necessary to secure the payment of the taxes, and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with expenses of sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3.

Rev. Stat., s. 272, s. 161, subs. 2, amended.

(2) Subsection 2 of the said section 161, as amended by subsection 1 of section 32 of *The Assessment Amendment Act*, 1946, is further amended by striking out the words "arrears of taxes due" in the second line and inserting in lieu thereof the word "taxes" and by striking out the words "arrears of" in the thirteenth line, so that the said subsection shall now read as follows:

When land does not sell for full amount of taxes.

(2) If the treasurer fails at such sale to sell any land for the full amount of taxes, including the full amount of commission and other lawful charges and costs added under section 150, he shall at such sale adjourn the same until a day then to be publicly named by him, not earlier than a week, nor later than three months thereafter, of which adjourned sale he shall give notice by public advertisement in the local newspaper, or in one of the local papers in which the original sale was advertised, and on such day he shall sell such lands unless otherwise directed by the council of the municipality in which they are situate, for any sum he can realize, and shall accept such sum as full payment of such taxes; and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with expenses of sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178,

Subsection 2. The words are deleted in order to conform with the language of subsection $\mathbf{1}_{\bullet}$

Subsection 3. Words are added that require an appropriation to be made before a municipality can purchase lands sold for taxes. .

The other changes are for clarity.

Section 30. The subsection is re-enacted in order to afford a means of finalizing unclaimed balances.

and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3.

- (3) Subsection 3 of the said section 161, as amended by Rev. Stat., subsection 2 of section 32 of The Assessment Amendment Act, subs. 3, 1946, is repealed and the following substituted therefor:
 - (3) If the price offered for any land at the adjourned by munic sale is less than the full amount of the taxes for pality. which the land was offered for sale and the charges and costs, or if no price is offered, it shall be lawful for the municipality to purchase the same for the amount due, provided that an appropriation has been made for the purpose and that previous notice by public advertisement in the local newspaper or in one of the local newspapers in which the original sale was advertised, of intention so to do has been given by the treasurer; and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with the expenses of the sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, and such taxes shall be computed at the rate fixed by by-law for each year in which such taxes are pavable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontages shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement.

30. Subsection 3 of section 162 of *The Assessment Act*, as Rev. Stat., amended by subsection 3 of section 33 of *The Assessment* subs. 3, re-enacted.

Amendment Act, 1946, is repealed and the following substituted therefor:

Unclaimed balances.

(3) Any balance payable to the owner of the land sold or to any other person entitled thereto shall, if not claimed within six years after the sale, belong to the municipality absolutely.

Rev. Stat., c. 272, s. 178, subs. 6, amended.

31. Subsection 6 of section 178 of *The Assessment Act* is amended by striking out the words "and such receipt may be registered in the registry office upon payment to the registrar by the person tendering the same of a fee of fifty cents" in the eighth, ninth and tenth lines and inserting in lieu thereof the words "and a certified copy thereof shall be registered in the registry office by the treasurer, and for registration of such receipt the registrar shall be paid a fee of fifty cents", so that the said subsection shall now read as follows:

Receipt of redemption.

(6) If under the provisions of subsection 3 a notice of sale of land for taxes has been registered and such land is redeemed, the treasurer shall upon payment of the redemption money deliver to the person paying the same a receipt signed by himself stating therein a description of the land redeemed, the person who redeemed the same and the date and amount paid for redemption together with particulars of the registration of the notice, and a certified copy thereof shall be registered in the registry office by the treasurer, and for registration of such receipt the registrar shall be paid a fee of fifty cents.

Rev. Stat., c. 272, s. 200, subs. 3, amended.

32. Subsection 3 of section 200 of *The Assessment Act* is amended by striking out the words "The council of any county may, on the application of the council of any township or village in the county, by by-law, declare that subsection 1 of this section shall thereafter apply and extend to such township or village" in the first, second, third and fourth lines and by inserting in lieu thereof the words "The council of a county may by by-law declare that subsection 1 shall thereafter apply to any township or village named in the by-law", so that the said subsection shall now read as follows:

County by-law extending application of section. (3) The council of a county may by by-law declare that subsection 1 shall thereafter apply to any township or village named in the by-law, and thereupon the powers conferred on cities and towns by section 199 or any of the sections referred to in that section, and all duties imposed by the said sections, upon the officers of said cities and towns and the mayors thereof, shall be vested in and apply to the corpora-

SECTION 31. The provision for registering a receipt of redemption is made mandatory on the treasurer,.

Section 32. At the present time the county council on the application of a township or village in the county, may provide that the township or village shall thereafter collect the arrears of its taxes. The amendment deletes the necessity of an application and allows the county freedom in such matters, i.e., to collect arrears of taxes for townships and villages in the county or not as it wishes.

Section 33. Form 6 is the "Form of Declaration by Person Complaining in Person of Overcharge on Taxable Income".

Form 7 is the "Form of Declaration by Agent of Person Complaining of Overcharge on Taxable Income".

Section 34. This substantive section is self-explanatory and will override private ${\rm Acts}$, if there are any such.

Section 35. This substantive section is designed to enable municipalities to make the change over from the old assessment methods to the new, and to legalize the practices that have been followed in this connection.

tion of such township or village and to the reeve or other head thereof, in the same manner, and to the same extent, as in the case of the municipalities mentioned in subsection 1.

33. Forms 6 and 7 of *The Assessment Act* are repealed. ^{c. 272}, Forms 6, 7,

repealed.

34. Notwithstanding any general or special Act, no tax Income of corporations shall be levied by any municipality in respect of the income of not taxable by municipality in respect of the income of not taxable corporations in the year 1947 or thereafter.

palities.

35.—(1) When the assessor did not complete the making of provisions as assessment or did not return the roll or the roll was not for 1947 the assessment or did not return the roll or the roll was not for 1947 taxation. revised or finally revised in the year 1946 in accordance with The Assessment Act, the Minister may extend the time for the completion of the roll, the return of the roll, the revision of the roll or the final revision of the roll, and the assessment so made shall when finally revised be the assessment on which the rate of taxation for the year 1947 shall be fixed and levied.

- (2) When a municipality instead of making a second Idem. assessment in 1946 adopts for 1947 the assessment roll made and revised in 1946 under subsection 3 of section 13 of The Assessment Amendment Act, 1946, the council may by by-law notwithstanding section 59 of The Assessment Act, fix the dates for the revision and the final revision of the roll and the assessment so made shall when finally revised be the amount on which the rate of taxation for the year 1947 shall be fixed and levied.
- (3) This section shall be deemed to have come into effect Effective on the 5th day of April, 1946.
- 36. This Act shall come into force on the 1st day of June, Commence-1947.
- 37. This Act may be cited as The Assessment Amendment Short title. Act, 1947.

An Act to amend The Assessment Act.

1st Reading March 25th, 1947

2nd Reading

3rd Reading

Mr. Dunbar

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Assessment Act.

Mr. Dunbar

(Reprinted as amended by the Committee on Municipal Law.)

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EXPLANATORY NOTES

. Section 1—Subsection 1. The clauses repealed define "corporation" and "income".

Subsection 2. The amendment is made so that the subclause will correspond with sections 44 and 46 of the Act.

Section 2. This amendment is made in order to conform with the repeal of the corporation income provisions of the Act.

Section 3. This amendment is made in order to conform with the repeal of the corporation income provisions of the Act.

BILL

An Act to amend The Assessment Act.

TIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.**—(1) Clauses b and f of section 1 of *The Assessment Act* Rev. Star., e repealed. are repealed.
- (2) Subclause v of clause i of the said section 1 is amended Rev. Stat., by striking out the words "railway, electric railway, tramway cl., is ubcl. v. amended. or street railway" in the fourth and fifth lines and inserting in lieu thereof the words "transportation system", so that the said subclause shall now read as follows:
 - (v) All structures and fixtures erected or placed upon, in, over, under, or affixed to any highway, lane, or other public communication or water; but not the rolling stock of any transportation system.
- 2. Section 2 of The Assessment Act is amended by striking Rev. Stat. out the words "income and" in the third line, so that the said amended. section shall now read as follows:
 - 2. All municipal, local or direct taxes or rates shall where All taxes no other express provision is made be levied upon equally upon the whole of the assessment for real property, busi- all assessments. ness or other assessments made under this Act, according to the amounts assessed in respect thereof, and not upon any one or more kinds of property or assessment or in different proportions.
- **3.**—(1) Subsection 1 of section 3 of *The Assessment Act* is Rev. Stat., amended by striking out the words "Subject to the provisions subs. 1, amended. of subsection 2" at the commencement thereof and by striking out the words "income and" in the tenth line, so that the said subsection shall now read as follows:
 - (1) Wherever in The Municipal Act, or in any other Rateable general or special Act of this Legislature or in any what to property, by-law passed under any such Act, the yearly rates

 Rev. Stat.,

or any special rate are expressly or in effect directed or authorized to be levied upon all the rateable property of a municipality for municipal or school purposes, such rates shall be calculated at so much in the dollar upon the total assessment of the municipality and shall be calculated and levied upon the whole of the assessment for real property, business or other assessment made under this Act.

Rev. Stat., c. 272, s. 3, subss. 2, 3, repealed.

(2) Subsections 2 and 3 of the said section 3 are repealed.

Rev. Stat., c. 272, s. 4, amended. 4.—(1) Section 4 of *The Assessment Act* is amended by striking out the words "and all income derived, whether within or out of Ontario, by any corporation, or received in Ontario on behalf of any corporation" in the first, second and third lines, so that the said section, exclusive of the paragraphs, shall now read as follows:

Taxable property and exemptions.

4. All real property in Ontario shall be liable to taxation, subject to the following exemptions:

Rev. Stat., c. 272, s. 4, pars. 12, 16, repealed.

(2) Paragraphs 12 and 16 of the said section 4 are repealed.

Rev. Stat., c. 272, s. 4, par. 17, amended. (3) Paragraph 17 of the said section 4 is amended by striking out the words "railway company" in the sixth line and inserting in lieu thereof the words "transportation system", and by striking out the words "tramway or street railway" in the eleventh line and inserting in lieu thereof the words "or transportation system", so that the said paragraph shall now read as follows:

Machinery.

17. All fixed machinery used for manufacturing or farming purposes, including the foundations on which the same rests; but not fixed machinery used, intended or required for the production or supply of motive power including boilers and engines, gas, electric and other motors, nor machinery owned, operated or used by a transportation system or by a person having the right, authority or permission to construct, maintain or operate within Ontario in, under, above, on or through any highway, lane or other public communication, public place or public water, any structure or other thing, for the purposes of a bridge or transportation system, or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of transportation, transmission or conveyance for the supply of water, light, heat, power or other service.

Rev. Stat., c. 272, s. 4, pars. 18 19, 20, 21, repealed.

(4) Paragraphs 18, 19, 20 and 21 of the said section 4 are repealed.

Section 4—Subsection 1. This amendment is made in order to conform with the repeal of the corporation income provisions of the Act.

Subsection 2. The paragraphs repealed exempted the income of friendly societies and the income of a corporation derived from its farm. See note to subsection 1.

Subsection 3. "Transportation system" is inserted so that the paragraph will correspond with subclause v of clause i of section 1 and with sections 44 and 46 of the Act.

Subsection 4. The paragraphs repealed deal with corporation income, rental of real estate, etc.

Subsection 5. A further attempt is made to clarify this paragraph under which woodlands are exempted.

Section 5. The section repealed provided that incomes taxed by the Province are not to be taxed by a municipality.

Section 6. The words added are designed to prevent persons from improperly escaping from business assessment.

Section 7. The sections repealed provided for the assessment of incomes of corporations.

SECTION 8. This amendment is made in order to conform with the repeal of the corporation income provisions of the Act.

(5) The first nine lines of paragraph 22 of the said section 4, Rev. Stat., as re-enacted by subsection 4 of section 1 of *The Assessment* paragraph. Amendment Act, 1946, are repealed and the following substituted therefor:

22. One acre used for foresty purposes or being wood-"Wood-lands". lands for every ten acres of the farm in one municipality under a single ownership but not more than twenty acres in all, and when the total acreage consists of more than one separately assessed parcel, the assessor shall treat all such parcels as one parcel for the purpose of determining the exemptions under this paragraph and shall apportion the exemption to each parcel in the ratio of the acreage of each parcel used or partly used for forestry purposes or being woodlands or being partly woodlands to the total acreage of all parcels used or partly used for forestry purposes or being woodlands or being partly woodlands.

5. Section 5 of The Assessment Act is repealed.

c. 272, s. 5, repealed.

- 6. Subsection 1 of section 8 of The Assessment Act, as Rev. Stat., amended by section 2 of The Assessment Amendment Act, 1946, subs. 1. 8. is further amended by inserting after the word "of" in the amended. second line the words "or in connection with", so that the first six lines of the said subsection shall now read as follows:
 - (1) Irrespective of any assessment of land under this Act, Business assessment. every person occupying or using land for the purpose of, or in connection with, any business mentioned or described in this section shall be assessed for a sum to be called "business assessment" to be computed by reference to the assessed value of the land so occupied or used by him, as follows:

7. Sections 9, 10 and 11 of The Assessment Act are repealed. c. 272. ss. 10, 11, 10, 11 repealed.

8. Subsection 13 of section 12 of *The Assessment Act* is Rev. Stat.. amended by striking out the words "and not income assess-subs. 13. ment" in the third and fourth lines, so that the said subsection amended. shall now read as follows:

(13) Notwithstanding the provisions of subsection 11, Real the assessment of a telephone company or telegraph assessment. company under this section shall be deemed to be real property assessment, and the taxes payable by any such company shall be a lien upon all the lands of the company in the municipality.

Rev. Stat., c. 272, s. 13, subs. 2, amended. **9.** Subsection 2 of section 13 of *The Assessment Act* is amended by striking out the words "in the same manner as assessment returns are required by section 18 to be verified" in the second and third lines and inserting in lieu thereof the words "by an affidavit attached thereto made by an officer of the company having knowledge of the facts", so that the said subsection shall now read as follows:

Verifying statement.

(2) Every such statement shall be signed by or on behalf of the company and shall be verified by an affidavit attached thereto made by an officer of the company having knowledge of the facts.

Rev. Stat., c. 272, s. 16, amended.

10. Section 16 of *The Assessment Act* is amended by adding thereto the following subsection:

Right of access.

(2) The assessors shall have free access at all reasonable times and upon reasonable request made to all parts of every building or other premises for the purpose of enabling them to properly assess the same.

Rev. Stat., c. 272, s. 17, subs. 2, repealed.

11. Subsection 2 of section 17 of The Assessment Act is repealed.

Rev. Stat., c. 272, s. 18, 19, 20, repealed.

12. Sections 18, 19 and 20 of *The Assessment Act* are repealed.

Rev. Stat., c. 272, . 21, subs. 1, amended.

13.—(1) Subsection 1 of section 21 of *The Assessment Act* is amended by striking out the words and figures "sections 16 to 20" in the second line and inserting in lieu thereof the word and figures "section 16 or 17", so that the said subsection shall now read as follows:

Assessor not bound by returns. (1) The assessor shall not be bound by any statement delivered under section 16 or 17, nor shall the same excuse him from making due inquiry to ascertain its correctness, and, notwithstanding any such statement, the assessor may assess every person for such amount as he believes to be just and correct, and may omit his name or any land which he claims to own or occupy, if the assessor has reason to believe that he is not entitled to be placed on the roll or to be assessed for such land.

Rev. Stat., c. 272, s. 21, subss. 2, 3 repealed.

(2) Subsections 2 and 3 of the said section 21 are repealed.

Rev. Stat., c. 272, s. 22, subs. 1, amended.

14. Subsection 1 of section 22 of *The Assessment Act* is amended by striking out the words "having been duly required to deliver or furnish any written statement or information mentioned in sections 16 to 21" in the first, second and third lines and inserting in lieu thereof the words and figures "having been required to furnish information" under section 16 or 17", so that the said subsection shall now read as follows:

Section 9. This amendment is necessary by reason of the repeal of section 18. No change in principle.

SECTION 10. This provision is new.

SECTION 11. The subsection repealed dealt with the returns to be made by corporations as to income.

SECTION 12. This amendment is made in order to conform with the repeal of the corporation income provisions of the Act.

SECTION 13. All words that are now inappropriate by reason of the repeal of the corporation income sections of the Act are struck out. This applies to all of subsections 2 and 3. They are therefore repealed.

Section 14. The amendment deletes all reference to corporation income.

Section 15. This amendment is made in order to conform with the repeal of the corporation income provisions of the Act.

Section 16. The words are added in order to avoid any possibility of conflict between subsection 1 of section 38 and paragraph 1 of section 4 of the Act, which exempts Crown property.

The effective date is the date the present section came into force.

Section 17—Subsection 1. Self-explanatory.

Subsection 2. This amendment deletes the reference to "income" and makes the tax payable upon a mine subject to the approval of the Department of Municipal Affairs.

(1) Every person who, having been required to furnish Penalty for not information under section 16 or 17, makes default in furnishing information. delivering or furnishing the same and any corporation which makes default in delivering the statement mentioned in section 13, shall incur a penalty not exceeding \$100 and an additional penalty of \$10 for each day during which default continues.

- 15. Subsection 3 of section 23 of *The Assessment Act* is Rev. Stat., amended by striking out "Column 21.—Amount of income subs. 3, amended taxable under sections 9 to 11".
- 16.—(1) Subsection 1 of section 38 of The Assessment Act, Rev. Stat., c. 272, s. 38, as re-enacted by section 6 of The Assessment Amendment Act, subs. 1 1946, is amended by inserting at the commencement thereof c. 3, s. 6), the words "Notwithstanding paragraph 1 of section 4", so amended. that the said subsection shall now read as follows:
 - (1) Notwithstanding paragraph 1 of section 4, the tenant Assessment of Crown of land owned by the Crown where rent or any valu-lands. able consideration is paid in respect of such land and the owner of land in which the Crown has an interest and the tenant of such land where rent or any valuable consideration is paid in respect of such land shall be assessed in respect of the land in the same way as if the land was owned or the interest of the Crown was held by any other person.
- (2) This section shall be deemed to have come into force Retroactive on the 5th day of April, 1946.
- 17.—(1) Subsection 6 of section 39 of *The Assessment Act* Rev. Stat., is amended by striking out the words "income of a corpora-subs. 6," tion" in the first line and inserting in lieu thereof the word amended. "profits" and by striking out the words "income from" in the fourth line, so that the said subsection shall now read as follows:
 - (6) The profits from a mine or mineral work shall be Profits from mines. assessed by, and the tax leviable thereon shall be paid to the municipality in which such mine or mineral work is situate; provided that the assessment on each oil or gas well operated at any time during the year shall be at least \$20.
- (2) The first four lines of subsection 9 of the said section Rev. Stat., 39, as re-enacted by section 3 of *The Assessment Amendment* subs. 9 (1939, Act, 1939, are repealed and the following substituted therefor: c. 3, s. 3), amended.
 - (9) Notwithstanding anything in this section contained, etc., to be the tax payable to a municipality upon a mine or approved by Depart.

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Rev. Stat., c. 28. mining work liable to taxation under section 4 of *The Mining Tax Act* shall be subject to the approval of the Department and shall not exceed,—

Rev. Stat., c. 272, s. 39, amended.

(3) The said section 39 is amended by adding thereto the following subsection:

Distribution of taxes.

(9a) The taxes payable in accordance with subsection 6 or 9 shall be distributed among the bodies that would have received the same had such taxes been levied in the usual way and in the same ratio.

Rev. Stat., c. 272, s. 39, subs. 11, amended.

(4) Subsection 11 of the said section 39 is amended by striking out the word "income" in the second and third lines and inserting in lieu thereof the word "profits" and by striking out the words "and not income assessment" in the fourth and fifth lines and by striking out the word "corporation" in the seventh line and inserting in lieu thereof the word "person", so that the said subsection shall now read as follows:

Mine assessment to be regarded as for real property. (11) Notwithstanding the provisions of subsection 4, but subject to the provisions of subsection 9, the assessment of profits from a mine or mineral work or mining work under this section shall be deemed to be real property assessment, and the taxes payable in accordance with subsection 9 upon such assessment shall be a lien upon all the lands in the municipality of the person liable for payment of such taxes.

Rev. Stat., c. 272, s. 73, subs. 16, repealed. 18. Subsection 16 of section 73 of The Assessment Act is repealed.

Rev. Stat., c. 272, s. 84, subs. 4, (1946, c. 3, s. 21, subs. 2), amended. 19. Subsection 4 of section 84 of The Assessment Act, as re-enacted by subsection 2 of section 21 of The Assessment Amendment Act, 1946, is amended by inserting after the word "sent" in the second line the words "by the party appealing" and by inserting after the word "thereof" in the third line the words "and to the persons to whom notice of the hearing before the court of revision or judge, as the case may be, was given", so that the said subsection shall now read as follows:

Notice of appeal.

(4) A notice of appeal to the Board under this section shall be sent by the party appealing by registered mail to the secretary thereof and to the persons to whom notice of the hearing before the court of revision or judge, as the case may be, was given within twenty-one days after the decision of the court of revision or county judge has been delivered in open court or when the decision is reserved, within twenty-

Subsection 3. This provision is new. It is designed to ensure an equitable distribution of taxes between municipalities and local boards.

Subsection 4. The words are struck out in order to conform with the repeal of the corporation income provisions of the Act.

Section 18. The subsection repealed set out the proceedings to be taken when a person assessed complains of an overcharge on his taxable income.

Section 19. The words added will require persons appealing to the Municipal Board in assessment matters to send copies of the notice of appeal to all parties concerned in the appeal.

 $S_{\rm ECTION}$ 20. This amendment is made in order to conform with the repeal of the corporation income provisions of the Act.

 $S_{\rm ECTION}$ 21. These amendments are made in order to conform with the repeal of the corporation income provisions of the Act.

one days after notice thereof has been given by the clerk under subsection 24 of section 73 or subsection 1 of section 83, as the case may be.

- 20. Subsection 3 of section 89a of The Assessment Act, as Rev. Stat.. enacted by section 5 of The Assessment Amendment Act, 1940, subs. 3 is amended by striking out the words "or income" in the (1940, tenth line, so that the said subsection shall now read as amended. follows:
 - (3) Notice of an appeal by a county assessor to the court Complaint to court of revision of any municipality within the county revision. may be given within twenty days after the return of the assessment roll of such municipality, and such appeal may be with respect to any particular assessment or omission to assess or generally with respect to all the assessments included in the roll or in any area of the municipality defined in the notice or generally with respect to assessments of land only or buildings only or business included in the roll or in any area of the municipality defined in the notice.

21.—(1) Subsection 1 of section 98 of The Assessment Act, Rev. Stat., as amended by section 14 of The Assessment Amendment Act, subs. 1. 1944, is further amended by striking out all the words after the word "contained" in the second line down to and including the word "and" in the seventh line and by striking out the word "only" in the tenth line, so that the said subsection shall now read as follows:

- (1) Notwithstanding anything in this Act or any other County special or general Act contained, the ascertainment, imposition or levy by a county council of any rate for county purposes shall be made and raised upon and from the assessment of real property as equalized and business assessments in the county.
- (2) Subsection 2 of the said section 98 is amended by Rev. Stat., striking out the words "assessments of income" in the fifth subs. 2, and sixth lines and inserting in lieu thereof the words "busi-amended. ness assessment", so that the said subsection shall now read as follows:
 - (2) When under this Act or any other special or general Local municipality Act any rate is directed or required to be levied in to levy a local municipality forming part of a county for on all county purposes, the same shall in the local municipality pality be calculated and levied upon and against the whole rateable property including business assessments within such local municipality according to the last revised assessment roll thereof.

Rev. Stat., c. 272, s. 100, subs. 3, amended.

22.—(1) Subsection 3 of section 100 of *The Assessment Act* is amended by striking out the words "or income" in the third line, so that the said subsection shall now read as follows:

Liability for taxes on business in case of death or change of residence.

Rev. Stat., c. 266. (3) Notwithstanding any provision of *The Municipal Act* and subject to the provisions of section 125, every person assessed in respect of business upon any assessment roll which has been revised by the court of revision or county judge shall be liable for any rates which may be levied upon such assessment roll notwithstanding the death or removal from the municipality of the person assessed and notwithstanding that such rates are not levied until the year following that in which the assessment roll was revised.

Rev. Stat., c. 272, s. 100, subs. 4, repealed.

(2) Subsection 4 of the said section 100 is repealed.

Rev. Stat., c. 272, s. 113, subs. 4 (1946, c. 3, s. 24, subs. 3), amended.

23. Subsection 4 of section 113 of The Assessment Act, as re-enacted by subsection 3 of section 24 of The Assessment Amendment Act, 1946, is amended by striking out the words "and a similar discount for such similar period prior thereto" in the ninth and tenth lines and inserting in lieu thereof the words "and similar discounts for additional similar periods prior thereto", so that the said subsection shall now read as follows:

Discount for payment in advance.

(4) The council may by by-law authorize the treasurer or collector to receive in any year payments on account of taxes for that year in advance of the day that may be fixed by by-law for the payment of any instalment of such taxes and to allow a discount on any taxes so paid in advance not exceeding one-half of one per centum for payment within the period of not less than thirty days prior to the day fixed for payment and similar discounts for additional similar periods prior thereto, notwithstanding that the taxes for such year have not been levied, or that the assessment roll on which said taxes are to be fixed and levied has not been adopted by the council, when any such advance payment is made.

Rev. Stat., e. 272, s. 123, repealed.

24. Section 123 of *The Assessment Act*, as amended by section 8 of *The Assessment Amendment Act*, 1939, is repealed.

Rev. Stat., c. 272, s. 124, subs. 2, amended.

25. Subsection 2 of section 124 of *The Assessment Act* is amended by inserting after the word "in" in the fourth line the word "the" and by striking out the word "three" in the ninth line and inserting in lieu thereof the word "ten", so that the said subsection shall now read as follows:

Section 22. These amendments are made in order to conform with the repeal of the corporation income provisions of the ${\rm Act.}$

Section 23. The subsection is amended in order to make it clear that there is no limit to the number of periods in advance of the due day for which discounts may be given.

Section 24. The section provided for a special assessment rate for corporations income assessment.

Section 25. This change is made in order to bring the subsection into line with the other appeal sections of the Act.

Section 26. This provision is enacted to give a measure of relief so as to avoid duplication of effort.

Section 27. These sections which deal with the duties of the treasurer where there is not sufficient distress upon the lands to satisfy the total amount of taxes charged against the same, are not necessary and are therefore repealed. See section 126 (1) of the Act. Last session section 148 of the Act was amended so as not to require the adding to the roll of lands not occupied or built upon prior to the inclusion of such lands in tax sale proceedings.

Section 28. The subsection is re-enacted in order to provide that the statement need only be furnished in cases in which the county treasurer is required to collect the tax arrears. If a municipality has power to sell land for arrears of taxes, there is no point in furnishing the county treasurer with such a statement.

Section 29. The reference to section 136 is deleted as section 136 was repealed in 1946.

- (2) Any such by-law shall provide for the time Procedure. when the roll for such business assessment shall be returned, for the holding of a court of revision for hearing appeals from any assessment therein in the manner provided by this Act upon the return of such assessment roll to the clerk, and the time for appeal to the court of revision shall be within ten days after the last day fixed for return of the said roll and the time for appealing from the court of revision to the county judge shall be within ten days after the decision of the court of revision is given.
- **26.** Section 126 of *The Assessment Act* is amended by adding Rev. Stat., ereto the following subsection:

 amended. thereto the following subsection:
 - (4) When the auditor gives a verification notice to each Verification notice. person mentioned in subsection 2, the clerk or treasurer shall not be obliged to comply with subsection 2 or 3, as the case may be.
- 27. Section 127 and section 128 as amended by section 10 Rev. Stat., of The Assessment Amendment Act, 1939, of The Assessment 8s. 127, 128, repealed Act are repealed.
- **28.** Subsection 1 of section 129 of *The Assessment Act* is c. 272, s. 129, pealed and the following substituted therefor:

 subs. 1. re-enacted. repealed and the following substituted therefor:
 - (1) In cases in which the county treasurer is required to Statement collect arrears of taxes of a township or village, the furnished treasurer of the township or village, as the case may treasurer. be, shall within fourteen days after the time appointed for the return and final settlement of the collector's roll and before the 8th day of April in every year, furnish the county treasurer with a statement of all unpaid taxes and school rates described in the said collector's roll or by school trustees to be collected.

29. Section 137 of *The Assessment Act* is amended by Rev. Stat., striking out the words and figures "sections 135 and 136" amended. in the second line and inserting in lieu thereof the word and figures "section 135", so that the said section shall now read as follows:

137. If, on an examination of the non-resident collector's Proceedings where any roll or the return required under section 135 of land is found not to have lands liable to be sold for taxes, or otherwise, it been appears to the treasurer that any land liable to assessment has not been assessed for the current year. he shall report the same to the clerk of the municipality; thereupon, or if the same comes to the knowledge of the clerk in any other manner, the clerk shall proceed as provided in section 57.

Rev. Stat., c. 272, s. 161, subs. 1, re-enacted.

30.—(1) Subsection 1 of section 161 of *The Assessment Act* is repealed and the following substituted therefor:

Mode in which the lands shall be sold by the treasurer.

(1) If the full amount of the taxes for which the land was offered for sale has not been collected, or if no person appears to pay the same at the time and place appointed for the sale, the treasurer shall sell by public auction so much of the land as is sufficient to discharge the taxes, and all lawful charges incurred in and about the sale and the collection of the taxes. selling in preference such part as he may consider best for the owner to sell first, and, in offering or selling such lands, it shall not be necessary to describe particularly the portion of the lot which is to be sold, but it shall be sufficient to say that he will sell so much of the lot as may be necessary to secure the payment of the taxes, and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with expenses of sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3.

Rev. Stat., s. 272, s. 161, subs. 2, amended.

(2) Subsection 2 of the said section 161, as amended by subsection 1 of section 32 of *The Assessment Amendment Act*, 1946, is further amended by striking out the words "arrears of taxes due" in the second line and inserting in lieu thereof the word "taxes" and by striking out the words "arrears of" in the thirteenth line, so that the said subsection shall now read as follows:

When land does not sell for full amount of taxes.

(2) If the treasurer fails at such sale to sell any land for the full amount of taxes, including the full amount of commission and other lawful charges and costs added under section 150, he shall at such sale adjourn the same until a day then to be publicly named by him, not earlier than a week, nor later than three months thereafter, of which adjourned sale he shall give notice by public advertisement in the local newspaper, or in one of the local papers in which the original sale was advertised, and on such day he shall sell

SECTION 30—Subsection 1. The subsection is re-enacted in order to remove any doubt as to the right of redemption in cases where a portion only of the land is sold for arrears of taxes.

Subsection 2. The words are deleted in order to conform with the language of subsection 1.

Subsection 3. Words are added that require an appropriation to be made before a municipality can purchase lands sold for taxes.

The other changes are for clarity.

such lands unless otherwise directed by the council of the municipality in which they are situate, for any sum he can realize, and shall accept such sum as full payment of such taxes; and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with expenses of sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3.

(3) Subsection 3 of the said section 161, as amended by Rev. Stat subsection 2 of section 32 of The Assessment Amendment Act, 8.272, s. 161, 1946, is repealed and the following substituted therefor:

(3) If the price offered for any land at the adjourned by municisale is less than the full amount of the taxes for pality. which the land was offered for sale and the charges and costs, or if no price is offered, it shall be lawful for the municipality to purchase the same for the amount due, provided that an appropriation has been made for the purpose and that previous notice by public advertisement in the local newspaper or in one of the local newspapers in which the original sale was advertised, of intention so to do has been given by the treasurer; and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with the expenses of the sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, and such taxes shall be computed at the rate fixed by by-law for

each year in which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontages shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement.

Rev. Stat., c. 272, s. 162, subs. 3, re-enacted.

31. Subsection 3 of section 162 of *The Assessment Act*, as amended by subsection 3 of section 33 of *The Assessment Amendment Act*, 1946, is repealed and the following substituted therefor:

Unclaimed balances.

(3) Any balance payable to the owner of the land sold or to any other person entitled thereto shall, if not claimed within six years after the sale, belong to the municipality absolutely.

Rev. Stat., c. 272, s. 178, subs. 6, amended.

32. Subsection 6 of section 178 of *The Assessment Act* is amended by striking out the words "and such receipt may be registered in the registry office upon payment to the registrar by the person tendering the same of a fee of fifty cents" in the eighth, ninth and tenth lines and inserting in lieu thereof the words "and a certified copy thereof shall be registered in the registry office by the treasurer, and for registration of such receipt the registrar shall be paid a fee of fifty cents", so that the said subsection shall now read as follows:

Receipt of redemption.

(6) If under the provisions of subsection 3 a notice of sale of land for taxes has been registered and such land is redeemed, the treasurer shall upon payment of the redemption money deliver to the person paying the same a receipt signed by himself stating therein a description of the land redeemed, the person who redeemed the same and the date and amount paid for redemption together with particulars of the registration of the notice, and a certified copy thereof shall be registered in the registry office by the treasurer, and for registration of such receipt the registrar shall be paid a fee of fifty cents.

Rev. Stat., c. 272, s. 200, subs. 3, amended.

33. Subsection 3 of section 200 of *The Assessment Act* is amended by striking out the words "The council of any county may, on the application of the council of any township or village in the county, by by-law, declare that subsection 1 of this section shall thereafter apply and extend to such township or village" in the first, second, third and fourth lines and by inserting in lieu thereof the words "The council of a county may by by-law declare that subsection 1 shall

SECTION 31. The subsection is re-enacted in order to afford a means of finalizing unclaimed balances.

SECTION 32. The provision for registering a receipt of redemption is made mandatory on the treasurer.

Section 33. At the present time the county council on the application of a township or village in the county, may provide that the township or village shall thereafter collect the arrears of its taxes. The amendment deletes the necessity of an application and allows the county freedom in such matters, i.e., to collect arrears of taxes for townships and villages in the county or not as it wishes.

Section 34. Form 6 is the "Form of Declaration by Person Complaining in Person of Overcharge on Taxable Income".

Form 7 is the "Form of Declaration by Agent of Person Complaining of Overcharge on Taxable Income".

Section 35. This substantive section is self-explanatory and will override private Acts, if there are any such.

Section 36. This substantive section is designed to enable municipalities to make the change over from the old assessment methods to the new, and to legalize the practices that have been followed in this connection.

thereafter apply to any township or village named in the by-law", so that the said subsection shall now read as follows:

(3) The council of a county may by by-law declare that County subsection 1 shall thereafter apply to any township extending application or village named in the by-law, and thereupon the of section. powers conferred on cities and towns by section 199 or any of the sections referred to in that section, and all duties imposed by the said sections, upon the officers of said cities and towns and the mayors thereof, shall be vested in and apply to the corporation of such township or village and to the reeve or other head thereof, in the same manner, and to the same extent, as in the case of the municipalities mentioned in subsection 1.

Rev. Stat., 34. Forms 6 and 7 of The Assessment Act are repealed. c. 272, Forms 6, 7,

35. Notwithstanding any general or special Act, no income No income tax by tax shall be assessed or levied by any municipality in the year municipality. 1947 or thereafter.

palities.

36.—(1) When the assessor did not complete the making of for 1947 the assessment or did not return the roll or the roll was not taxation. revised or finally revised in the year 1946 in accordance with The Assessment Act, the Minister may extend the time for the completion of the roll, the return of the roll, the revision of the roll or the final revision of the roll, and the assessment so made shall when finally revised be the assessment on which the rate of taxation for the year 1947 shall be fixed and levied.

Special

- (2) When a municipality instead of making a second ldem. assessment in 1946 adopts for 1947 the assessment roll made and revised in 1946 under subsection 3 of section 13 of The Assessment Amendment Act, 1946, the council may by by-law notwithstanding section 59 of The Assessment Act, fix the dates for the revision and the final revision of the roll and the assessment so made shall when finally revised be the amount on which the rate of taxation for the year 1947 shall be fixed and levied.
- · (3) This section shall be deemed to have come into effect Effective date. on the 5th day of April, 1946.
- 37. This Act shall come into force on the 1st day of June, Commence-ment of Act 1947.
- 38. This Act may be cited as The Assessment Amendment Short title. Act, 1947.

Ist Reading
March 25th, 1947

2nd Reading

3rd Reading

Mr. Dunbar

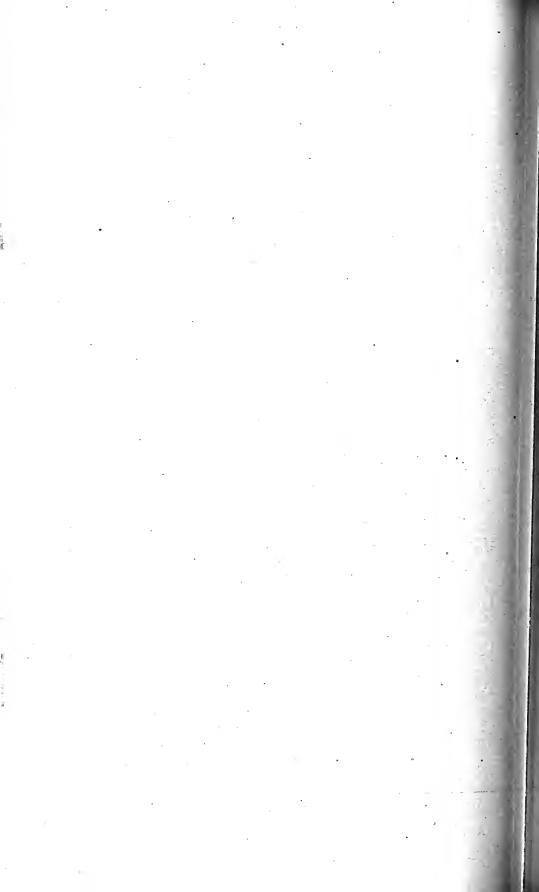
(Reprinted as amended by the Committee on Municipal Law.)

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Assessment Act.

Mr. Dunbar



BILL

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.**—(1) Clauses b and f of section 1 of *The Assessment Act* $c.\ 272.\ s.\ 1.$ are repealed.
- (2) Subclause v of clause i of the said section 1 is amended $\frac{\text{Rev. Stat.}}{\text{c. }272. \text{ s. 1.}}$ by striking out the words "railway, electric railway, tramway $\frac{\text{cl. }i.\text{ subcl. v.}}{\text{amended.}}$ or street railway" in the fourth and fifth lines and inserting in lieu thereof the words "transportation system", so that the said subclause shall now read as follows:
 - (v) All structures and fixtures erected or placed upon, in, over, under, or affixed to any highway, lane, or other public communication or water; but not the rolling stock of any transportation system.
- 2. Section 2 of *The Assessment Act* is amended by striking Rev. Stat., out the words "income and" in the third line, so that the said amended. section shall now read as follows:
 - 2. All municipal, local or direct taxes or rates shall where All taxes no other express provision is made be levied upon equally upon the whole of the assessment for real property, busi-ments. ness or other assessments made under this Act, according to the amounts assessed in respect thereof, and not upon any one or more kinds of property or assessment or in different proportions.
- 3.—(1) Subsection 1 of section 3 of *The Assessment Act* is Rev. Stat., amended by striking out the words "Subject to the provisions subs. 1, amended. of subsection 2" at the commencement thereof and by striking out the words "income and" in the tenth line, so that the said subsection shall now read as follows:
 - (1) Wherever in *The Municipal Act*, or in any other Rateable general or special Act of this Legislature or in any what to by-law passed under any such Act, the yearly rates

 Rev. Stat., c. 266.

or any special rate are expressly or in effect directed or authorized to be levied upon all the rateable property of a municipality for municipal or school purposes, such rates shall be calculated at so much in the dollar upon the total assessment of the municipality and shall be calculated and levied upon the whole of the assessment for real property, business or other assessment made under this Act.

Rev. Stat., c. 272, s. 3, subss. 2, 3, repealed.

(2) Subsections 2 and 3 of the said section 3 are repealed.

Rev. Stat., c. 272, s. 4, amended. 4.—(1) Section 4 of *The Assessment Act* is amended by striking out the words "and all income derived, whether within or out of Ontario, by any corporation, or received in Ontario on behalf of any corporation" in the first, second and third lines, so that the said section, exclusive of the paragraphs. shall now read as follows:

Taxable property and exemptions.

4. All real property in Ontario shall be liable to taxation, subject to the following exemptions:

Rev. Stat., c. 272, s. 4, pars. 12, 16, repealed.

(2) Paragraphs 12 and 16 of the said section 4 are repealed.

Rev. Stat., c. 272, s. 4, par. 17, amended. (3) Paragraph 17 of the said section 4 is amended by striking out the words "railway company" in the sixth line and inserting in lieu thereof the words "transportation system", and by striking out the words "tramway or street railway" in the eleventh line and inserting in lieu thereof the words "or transportation system", so that the said paragraph shall now read as follows:

Machinery.

17. All fixed machinery used for manufacturing or farming purposes, including the foundations on which the same rests; but not fixed machinery used, intended or required for the production or supply of motive power including boilers and engines, gas, electric and other motors, nor machinery owned, operated or used by a transportation system or by a person having the right, authority or permission to construct, maintain or operate within Cntario in, under, above, on or through any highway, lane or other public communication, public place or public water, any structure or other thing, for the purposes of a bridge or transportation system, or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of transportation, transmission or conveyance for the supply of water, light, heat, power or other service.

Rev. Stat., c. 272, s. 4, pars. 18, 19, 20, 21, repealed.

(4) Paragraphs 18, 19, 20 and 21 of the said section 4 are repealed.

- (5) The first nine lines of paragraph 22 of the said section 4, Rev. Stat. as re-enacted by subsection 4 of section 1 of The Assessment part 22. Amendment Act, 1946, are repealed and the following substituted therefor:
 - 22. One acre used for foresty purposes or being wood-"Wood-lands". lands for every ten acres of the farm in one municipality under a single ownership but not more than twenty acres in all, and when the total acreage consists of more than one separately assessed parcel, the assessor shall treat all such parcels as one parcel for the purpose of determining the exemptions under this paragraph and shall apportion the exemption to each parcel in the ratio of the acreage of each parcel used or partly used for forestry purposes or being woodlands or being partly woodlands to the total acreage of all parcels used or partly used for forestry purposes or being woodlands or being partly woodlands.
 - **5**. Section 5 of The Assessment Act is repealed.

Rev. Stat., c. 272, s. 5, repealed.

6. Subsection 1 of section 8 of The Assessment Act, as Rev. Stat., amended by section 2 of The Assessment Amendment Act, 1946, subs. 1, is further amended by inserting after the word "of" in the amended. second line the words "or in connection with", so that the first six lines of the said subsection shall now read as follows:

(1) Irrespective of any assessment of land under this Act, Business assessment, every person occupying or using land for the purpose of, or in connection with, any business mentioned or described in this section shall be assessed for a sum to be called "business assessment" to be computed by reference to the assessed value of the land so occupied or used by him, as follows:

7. Sections 9, 10 and 11 of The Assessment Act are repealed. Rev. Stat., c. 272. ss 9.

repealed.

- 8. Subsection 13 of section 12 of *The Assessment Act* is Rev. Stat., amended by striking out the words "and not income assess-c. 272, s. 12, amended by striking out the words "and not income assess-subs. 13, ment" in the third and fourth lines, so that the said subsection amended. shall now read as follows:
 - (13) Notwithstanding the provisions of subsection 11, Real property the assessment of a telephone company or telegraph assessment. company under this section shall be deemed to be real property assessment, and the taxes pavable by any such company shall be a lien upon all the lands of the company in the municipality.

Rev. Stat., c. 272, s. 13, subs. 2, amended.

9. Subsection 2 of section 13 of *The Assessment Act* is amended by striking out the words "in the same manner as assessment returns are required by section 18 to be verified" in the second and third lines and inserting in lieu thereof the words "by an affidavit attached thereto made by an officer of the company having knowledge of the facts", so that the said subsection shall now read as follows:

Verifying statement. (2) Every such statement shall be signed by or on behalf of the company and shall be verified by an affidavit attached thereto made by an officer of the company having knowledge of the facts.

Rev. Stat., c. 272, s. 16, amended.

10. Section 16 of *The Assessment Act* is amended by adding thereto the following subsection:

Right of access.

(2) The assessors shall have free access at all reasonable times and upon reasonable request made to all parts of every building or other premises for the purpose of enabling them to properly assess the same.

Rev. Stat., c. 272, s. 17, subs. 2, repealed.

11. Subsection 2 of section 17 of *The Assessment Act* is repealed.

Rev. Stat., c. 272, ss. 18, 19, 20, repealed.

12. Sections 18, 19 and 20 of *The Assessment Act* are repealed.

Rev. Stat., c. 272, . 21, subs. 1, amended.

13.—(1) Subsection 1 of section 21 of *The Assessment Act* is amended by striking out the words and figures "sections 16 to 20" in the second line and inserting in lieu thereof the word and figures "section 16 or 17", so that the said subsection shall now read as follows:

Assessor not bound by returns.

(1) The assessor shall not be bound by any statement delivered under section 16 or 17, nor shall the same excuse him from making due inquiry to ascertain its correctness, and, notwithstanding any such statement, the assessor may assess every person for such amount as he believes to be just and correct, and may omit his name or any land which he claims to own or occupy, if the assessor has reason to believe that he is not entitled to be placed on the roll or to be assessed for such land.

Rev. Stat., c. 272, s. 21, subss. 2, 3 repealed.

(2) Subsections 2 and 3 of the said section 21 are repealed.

Rev. Stat., c. 272, s. 22, subs. 1, amended. 14. Subsection 1 of section 22 of *The Assessment Act* is amended by striking out the words "having been duly required to deliver or furnish any written statement or information mentioned in sections 16 to 21" in the first, second and third lines and inserting in lieu thereof the words and figures "having been required to furnish information under section 16 or 17", so that the said subsection shall now read as follows:

- (1) Every person who, having been required to furnish for not information under section 16 or 17, makes default in furnishing delivering or furnishing the same and any corporation which makes default in delivering the statement mentioned in section 13, shall incur a penalty not exceeding \$100 and an additional penalty of \$10 for each day during which default continues.
- **15.** Subsection 3 of section 23 of *The Assessment Act* is Rev. Stat., amended by striking out "Column 21.—Amount of income subs. 3, amended. taxable under sections 9 to 11".
- 16.—(1) Subsection 1 of section 38 of *The Assessment Act*, Rev. Stat., as re-enacted by section 6 of *The Assessment Amendment Act*, subs. 1946, is amended by inserting at the commencement thereof (1946, the words "Notwithstanding paragraph 1 of section 4", so amended. that the said subsection shall now read as follows:
 - (1) Notwithstanding paragraph 1 of section 4, the tenant Assessment of land owned by the Crown where rent or any valual and sale consideration is paid in respect of such land and the owner of land in which the Crown has an interest and the tenant of such land where rent or any valuable consideration is paid in respect of such land shall be assessed in respect of the land in the same way as if the land was owned or the interest of the Crown was held by any other person.
- (2) This section shall be deemed to have come into force Retroactive on the 5th day of April, 1946.
- 17.—(1) Subsection 6 of section 39 of *The Assessment Act* Rev. Stat., is amended by striking out the words "income of a corpora-c. 272, s. 39, tion" in the first line and inserting in lieu thereof the word amended. "profits" and by striking out the words "income from" in the fourth line, so that the said subsection shall now read as follows:
 - (6) The profits from a mine or mineral work shall be Profits from assessed by, and the tax leviable thereon shall be paid to the municipality in which such mine or mineral work is situate; provided that the assessment on each oil or gas well operated at any time during the year shall be at least \$20.
- (2) The first four lines of subsection 9 of the said section Rev. Stat., 39, as re-enacted by section 3 of *The Assessment Amendment* subs. 9 Act, 1939, are repealed and the following substituted therefor: (1939, amended, amended).
 - (9) Notwithstanding anything in this section contained, Tax on mine, the tax payable to a municipality upon a mine or approved by Depart-

Rev. Stat., c. 28. mining work liable to taxation under section 4 of *The Mining Tax Act* shall be subject to the approval of the Department and shall not exceed,—

Rev. Stat., c. 272, s. 39, amended. (3) The said section 39 is amended by adding thereto the following subsection:

Distribution of taxes.

(9a) The taxes payable in accordance with subsection 6 or 9 shall be distributed among the bodies that would have received the same had such taxes been levied in the usual way and in the same ratio.

Rev. Stat., c. 272, s. 39, subs. 11, amended. (4) Subsection 11 of the said section 39 is amended by striking out the word "income" in the second and third lines and inserting in lieu thereof the word "profits" and by striking out the words "and not income assessment" in the fourth and fifth lines and by striking out the word "corporation" in the seventh line and inserting in lieu thereof the word "person", so that the said subsection shall now read as follows:

Mine assessment to be regarded as for real property. (11) Notwithstanding the provisions of subsection 4, but subject to the provisions of subsection 9, the assessment of profits from a mine or mineral work or mining work under this section shall be deemed to be real property assessment, and the taxes payable in accordance with subsection 9 upon such assessment shall be a lien upon all the lands in the municipality of the person liable for payment of such taxes.

Rev. Stat., c. 272, s. 73, subs. 16, repealed.

18. Subsection 16 of section 73 of *The Assessment Act* is repealed.

Rev. Stat., c. 272, s. 84, subs. 4, (1946, c. 3, s. 21, subs. 2), amended.

19. Subsection 4 of section 84 of The Assessment Act, as re-enacted by subsection 2 of section 21 of The Assessment Amendment Act, 1946, is amended by inserting after the word "sent" in the second line the words "by the party appealing" and by inserting after the word "thereof" in the third line the words "and to the persons to whom notice of the hearing before the court of revision or judge, as the case may be, was given", so that the said subsection shall now read as follows:

Notice of appeal.

(4) A notice of appeal to the Board under this section shall be sent by the party appealing by registered mail to the secretary thereof and to the persons to whom notice of the hearing before the court of revision or judge, as the case may be, was given within twenty-one days after the decision of the court of revision or county judge has been delivered in open court or when the decision is reserved, within twenty-

one days after notice thereof has been given by the clerk under subsection 24 of section 73 or subsection 1 of section 83, as the case may be.

- 20. Subsection 3 of section 89a of The Assessment Act, as Rev. Stat., enacted by section 5 of The Assessment Amendment Act, 1940, subs. 3 is amended by striking out the words "or income" in the c. 1, s. 5), tenth line, so that the said subsection shall now read as amended. follows:
 - (3) Notice of an appeal by a county assessor to the court Complaint of revision of any municipality within the county revision. may be given within twenty days after the return of the assessment roll of such municipality, and such appeal may be with respect to any particular assessment or omission to assess or generally with respect to all the assessments included in the roll or in any area of the municipality defined in the notice or generally with respect to assessments of land only or buildings only or business included in the roll or in any area of the municipality defined in the notice.
 - 21.—(1) Subsection 1 of section 98 of *The Assessment Act*, Rev. Stat., as amended by section 14 of *The Assessment Amendment Act*, subs. 1.

 1944, is further amended by striking out all the words after the word "contained" in the second line down to and including the word "and" in the seventh line and by striking out the word "only" in the tenth line, so that the said subsection shall now read as follows:
 - (1) Notwithstanding anything in this Act or any other County special or general Act contained, the ascertainment, imposition or levy by a county council of any rate for county purposes shall be made and raised upon and from the assessment of real property as equalized and business assessments in the county.
- (2) Subsection 2 of the said section 98 is amended by Rev. Stat., striking out the words "assessments of income" in the fifth subs. 2, and sixth lines and inserting in lieu thereof the words "business assessment", so that the said subsection shall now read as follows:
 - (2) When under this Act or any other special or general Local municipality Act any rate is directed or required to be levied in to levy a local municipality forming part of a county for on all county purposes, the same shall in the local municipality pality be calculated and levied upon and against the whole rateable property including business assessments within such local municipality according to the last revised assessment roll thereof.

Rev. Stat., c. 272, s. 100, subs. 3, amended.

22.—(1) Subsection 3 of section 100 of *The Assessment Act* is amended by striking out the words "or income" in the third line, so that the said subsection shall now read as follows:

Liability for taxes on business in case of death or change of residence.

Rev. Stat., c. 266. (3) Notwithstanding any provision of *The Municipal Act* and subject to the provisions of section 125, every person assessed in respect of business upon any assessment roll which has been revised by the court of revision or county judge shall be liable for any rates which may be levied upon such assessment roll notwithstanding the death or removal from the municipality of the person assessed and notwithstanding that such rates are not levied until the year following that in which the assessment roll was revised.

Rev. Stat., c. 272, s. 100, subs. 4, repealed.

(2) Subsection 4 of the said section 100 is repealed.

Rev. Stat., c. 272, s. 113, subs. 4 (1946, c. 3, s. 24, subs. 3), amended.

23. Subsection 4 of section 113 of The Assessment Act, as re-enacted by subsection 3 of section 24 of The Assessment Amendment Act, 1946, is amended by striking out the words "and a similar discount for such similar period prior thereto" in the ninth and tenth lines and inserting in lieu thereof the words "and similar discounts for additional similar periods prior thereto", so that the said subsection shall now read as follows:

Discount for payment in advance.

(4) The council may by by-law authorize the treasurer or collector to receive in any year payments on account of taxes for that year in advance of the day that may be fixed by by-law for the payment of any instalment of such taxes and to allow a discount on any taxes so paid in advance not exceeding one-half of one per centum for payment within the period of not less than thirty days prior to the day fixed for payment and similar discounts for additional similar periods prior thereto, notwithstanding that the taxes for such year have not been levied, or that the assessment roll on which said taxes are to be fixed and levied has not been adopted by the council, when any such advance payment is made.

Rev. Stat., c. 272, s. 123, repealed.

24. Section 123 of *The Assessment Act*, as amended by section 8 of *The Assessment Amendment Act*, 1939, is repealed.

Rev. Stat., c. 272, s. 124, subs. 2, amended.

25. Subsection 2 of section 124 of *The Assessment Act* is amended by inserting after the word "in" in the fourth line the word "the" and by striking out the word "three" in the ninth line and inserting in lieu thereof the word "ten", so that the said subsection shall now read as follows:

- (2) Any such by-law shall provide for the time Procedure. when the roll for such business assessment shall be returned, for the holding of a court of revision for hearing appeals from any assessment therein in the manner provided by this Act upon the return of such assessment roll to the clerk, and the time for appeal to the court of revision shall be within ten days after the last day fixed for return of the said roll and the time for appealing from the court of revision to the county judge shall be within ten days after the decision of the court of revision is given.
- 26. Section 126 of The Assessment Act is amended by adding Rev. Stat., c. 272, 6, 126, amended. thereto the following subsection:
 - (4) When the auditor gives a verification notice to each Verification notice. person mentioned in subsection 2, the clerk or treasurer shall not be obliged to comply with subsection 2 or 3, as the case may be.
- 27. Section 127 and section 128 as amended by section 10 Rev. Stat., of The Assessment Amendment Act, 1939, of The Assessment second 128. Act are repealed.
- **28.** Subsection 1 of section 129 of *The Assessment Act* is Rev. Stat... pealed and the following substituted therefor: subs. 1. repealed and the following substituted therefor:
 - (1) In cases in which the county treasurer is required to Statement collect arrears of taxes of a township or village, the furnished to county treasurer of the township or village, as the case may treasurer. be, shall within fourteen days after the time appointed for the return and final settlement of the collector's roll and before the 8th day of April in every year, furnish the county treasurer with a statement of all unpaid taxes and school rates described in the said collector's roll or by school trustees to be collected.

29. Section 137 of The Assessment Act is amended by Rev. Stat., c. 272, s. 137, striking out the words and figures "sections 135 and 136" amended. in the second line and inserting in lieu thereof the word and figures "section 135", so that the said section shall now read as follows:

137. If, on an examination of the non-resident collector's Proceedings where any roll or the return required under section 135 of land is found not to have lands liable to be sold for taxes, or otherwise, it been appears to the treasurer that any land liable to assessment has not been assessed for the current year, he shall report the same to the clerk of the municipality; thereupon, or if the same comes to the knowledge of the clerk in any other manner, the clerk shall proceed as provided in section 57.

Rev. Stat., c. 272, s. 161, subs. 1, re-enacted.

30.—(1) Subsection 1 of section 161 of *The Assessment Act* is repealed and the following substituted therefor:

Mode in which the lands shall be sold by the treasurer.

(1) If the full amount of the taxes for which the land was offered for sale has not been collected, or if no person appears to pay the same at the time and place appointed for the sale, the treasurer shall sell by public auction so much of the land as is sufficient to discharge the taxes, and all lawful charges incurred in and about the sale and the collection of the taxes. selling in preference such part as he may consider best for the owner to sell first, and, in offering or. selling such lands, it shall not be necessary to describe particularly the portion of the lot which is to be sold, but it shall be sufficient to say that he will sell so much of the lot as may be necessary to secure the payment of the taxes, and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with expenses of sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3.

Rev. Stat., s. 272, s. 161, subs. 2, amended.

(2) Subsection 2 of the said section 161, as amended by subsection 1 of section 32 of *The Assessment Amendment Act*, 1946, is further amended by striking out the words "arrears of taxes due" in the second line and inserting in lieu thereof the word "taxes" and by striking out the words "arrears of" in the thirteenth line, so that the said subsection shall now read as follows:

When land does not sell for full amount of taxes.

(2) If the treasurer fails at such sale to sell any land for the full amount of taxes, including the full amount of commission and other lawful charges and costs added under section 150, he shall at such sale adjourn the same until a day then to be publicly named by him, not earlier than a week, nor later than three months thereafter, of which adjourned sale he shall give notice by public advertisement in the local newspaper, or in one of the local papers in which the original sale was advertised, and on such day he shall sell

such lands unless otherwise directed by the council of the municipality in which they are situate, for any sum he can realize, and shall accept such sum as full payment of such taxes; and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with expenses of sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3.

(3) Subsection 3 of the said section 161, as amended by Rev. Stat. subsection 2 of section 32 of The Assessment Amendment Act, subs. 3. re-enacted. 1946, is repealed and the following substituted therefor:

(3) If the price offered for any land at the adjourned by municipal to the price offered for any land at the adjourned by municipal to the price offered for any land at the adjourned by municipal to the price of t sale is less than the full amount of the taxes for pality. which the land was offered for sale and the charges and costs, or if no price is offered, it shall be lawful for the municipality to purchase the same for the amount due, provided that an appropriation has been made for the purpose and that previous notice by public advertisement in the local newspaper or in one of the local newspapers in which the original sale was advertised, of intention so to do has been given by the treasurer; and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale. together with the expenses of the sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, and such taxes shall be computed at the rate fixed by by-law for

each year in which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontages shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement.

Rev. Stat., c. 272, s. 162, subs. 3, re-enacted.

31. Subsection 3 of section 162 of *The Assessment Act*, as amended by subsection 3 of section 33 of *The Assessment Amendment Act*, 1946, is repealed and the following substituted therefor:

Unclaimed balances.

(3) Any balance payable to the owner of the land sold or to any other person entitled thereto shall, if not claimed within six years after the sale, belong to the municipality absolutely.

Rev. Stat., c. 272, s. 178, subs. 6, amended.

32. Subsection 6 of section 178 of *The Assessment Act* is amended by striking out the words "and such receipt may be registered in the registry office upon payment to the registrar by the person tendering the same of a fee of fifty cents" in the eighth, ninth and tenth lines and inserting in lieu thereof the words "and a certified copy thereof shall be registered in the registry office by the treasurer, and for registration of such receipt the registrar shall be paid a fee of fifty cents", so that the said subsection shall now read as follows:

Receipt of redemption.

(6) If under the provisions of subsection 3 a notice of sale of land for taxes has been registered and such land is redeemed, the treasurer shall upon payment of the redemption money deliver to the person paying the same a receipt signed by himself stating therein a description of the land redeemed, the person who redeemed the same and the date and amount paid for redemption together with particulars of the registration of the notice, and a certified copy thereof shall be registered in the registry office by the treasurer, and for registration of such receipt the registrar shall be paid a fee of fifty cents.

Rev. Stat., c. 272, s. 200, subs. 3, amended.

33. Subsection 3 of section 200 of *The Assessment Act* is amended by striking out the words "The council of any county may, on the application of the council of any township or village in the county, by by-law, declare that subsection 1 of this section shall thereafter apply and extend to such township or village" in the first, second, third and fourth lines and by inserting in lieu thereof the words "The council of a county may by by-law declare that subsection 1 shall

thereafter apply to any township or village named in the by-law", so that the said subsection shall now read as follows:

- (3) The council of a county may by by-law declare that County subsection 1 shall thereafter apply to any township extending or village named in the by-law, and thereupon the of section powers conferred on cities and towns by section 199 or any of the sections referred to in that section, and all duties imposed by the said sections, upon the officers of said cities and towns and the mayors thereof, shall be vested in and apply to the corporation of such township or village and to the reeve or other head thereof, in the same manner, and to the same extent, as in the case of the municipalities mentioned in subsection 1.
- Rev. Stat., 34. Forms 6 and 7 of The Assessment Act are repealed. C. 272, 6, 7, Forms 6, 7, repealed.
- **35.** Notwithstanding any general or special Act, no income No income tax shall be assessed or levied by any municipality in the year municipalities.
- **36.**—(1) When the assessor did not complete the making of for 1947 the assessment or did not return the roll or the roll was not taxation. revised or finally revised in the year 1946 in accordance with *The Assessment Act*, the Minister may extend the time for the completion of the roll, the return of the roll, the revision of the roll or the final revision of the roll, and the assessment so made shall when finally revised be the assessment on which the rate of taxation for the year 1947 shall be fixed and levied.
- (2) When a municipality instead of making a second ^{Idem}. assessment in 1946 adopts for 1947 the assessment roll made and revised in 1946 under subsection 3 of section 13 of *The Assessment Amendment Act*, 1946, the council may by by-law notwithstanding section 59 of *The Assessment Act*, fix the dates for the revision and the final revision of the roll and the assessment so made shall when finally revised be the amount on which the rate of taxation for the year 1947 shall be fixed and levied.
- (3) This section shall be deemed to have come into effect Effective on the 5th day of April, 1946.
- 37. This Act shall come into force on the 1st day of June, Gommence-1947.
- 38. This Act may be cited as The Assessment Amendment Short title. Act, 1947.

An Act to amend The Assessment Act.

1st Reading March 25th, 1947

2nd Reading

March 28th, 1947

3rd Reading

April 2nd, 1947

Mr. Dunbar

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Provincial Forests Act.

MR. SCOTT

TORONTO
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EXPLANATORY NOTE

The amendment has the effect of providing that the Sibley Provincial Forest shall cease to be a provincial forest. It is proposed to constitute the same area a provincial park under *The Provincial Parks Act* which may be effected by the Lieutenant-Governor in Council.

No. 113

1947

BILL

An Act to amend The Provincial Forests Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Schedule A to *The Provincial Forests Act* is amended by Rev. Stat., striking out the following heading and words:

Sched. A. amended.

SIBLEY PROVINCIAL FOREST

That area known as the Sibley Forest Reserve comprising 80 square miles more or less.

- 2. This Act shall come into force on the 1st day of June, Commence-1947.
- 3. This Act may be cited as The Provincial Forests Amend-Short title. ment Act, 1947.

An Act to anicia the forests Act.

1st Reading March 25th, 1947

2nd Reading

3rd Reading

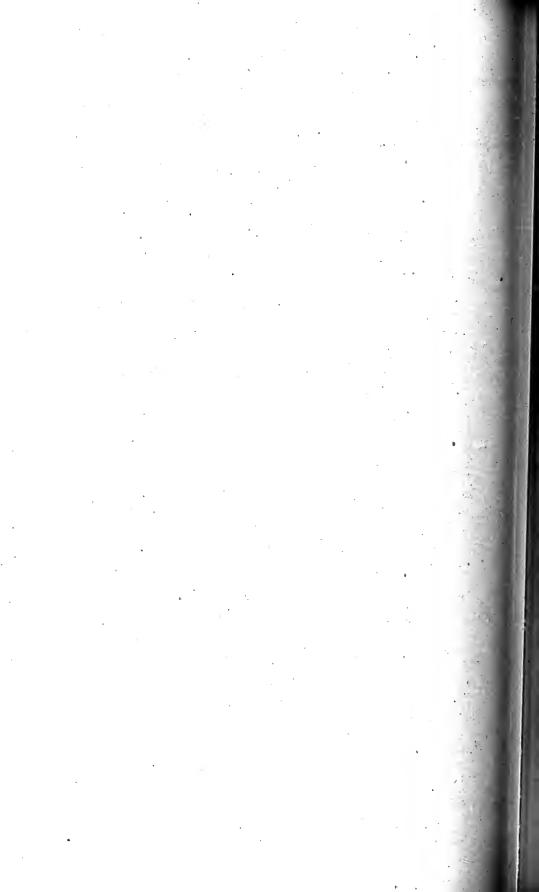
Mr. Scott

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Provincial Forests Act.

Mr. Scott



No. 113

1947

BILL

An Act to amend The Provincial Forests Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Schedule A to *The Provincial Forests Act* is amended by Rev. Stat., striking out the following heading and words:

Sched. A. amended.

SIBLEY PROVINCIAL FOREST

That area known as the Sibley Forest Reserve comprising 80 square miles more or less.

- 2. This Act shall come into force on the 1st day of June, Commence-1947.
- 3. This Act may be cited as The Provincial Forests Amend-Short title. ment Act, 1947.

1st Reading March 25th, 1947

2nd Reading March 28th, 1947

3rd Reading

April 1st, 1947

Mr. Scott

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Crown Timber Act.

MR. SCOTT

EXPLANATORY NOTES

Section 1. The principle of the new section now applies in the case of pulpwood. It is extended to include all timber. Annual licenses will still be required.

Section 2. Complementary to section 1. The provision repealed applies to pulpwood.

Section 3. The section repealed reads as follows:

21. Nothing in this Act shall repeal the provisions of section 4 of chapter 23 of the Consolidated Statutes of Canada, as regards timber removed into the Province of Quebec.

Section 4 of chapter 23 of the Consolidated Statutes of Canada reads:

4. All timber cut under licenses shall be liable for the payment of the Crown dues thereon, so long as and wheresoever the said timber or any part of it may be found, whether in the original logs or manufactured into deals, boards or other stuff,—and all officers or agents entrusted with the collection of such dues may follow all such timber and seize and detain the same wherever it is found until the dues are paid or secured.

The section repealed has now no effect.

No. 114

1947

BILL

An Act to amend The Crown Timber Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** The Crown Timber Act is amended by adding thereto $\frac{\text{Rev. Stat.}}{\text{c. 36}}$, the following section:
 - 3b.—(1) The Minister may, with the approval of the Rights to Lieutenant-Governor in Council, grant rights to cut timber on the ungranted public lands and timber on patented lands, where the timber on them remains the property of the Crown, for such periods and for such consideration and subject to such conditions, regulations and restrictions as the Minister may deem proper.
 - (2) Sections 2, 3a, 4, 5 and 6 and all the other provisions Other proof of this Act and any regulations made thereunder Act to shall apply in the case of all timber cut under rights granted under this section.
- 2. Subsection 2 of section 5 of The Crown Timber Act Rev. Stat., c. 36, s. 5, subs. 2, repealed.
 - 3. Section 21 of The Crown Timber Act is repealed.

 Rev. Stat., c. 36, s. 21, repealed.
- 4. This Act shall come into force on the 1st day of June, Commence-new of Act. 1947.
- 5. This Act may be cited as The Crown Timber Amendment Short title. Act, 1947.

An Act to amend The Crown Timber Act.

1st Reading

March 25th, 1947

2nd Reading

3rd Reading

Mr. Scott

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Crown Timber Act.

Mr. Scott

TORONTO

PRINTED AND PUBLISHED BY H. E. BROWN ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 114

1947

BILL

An Act to amend The Crown Timber Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Crown Timber Act is amended by adding thereto Rev. Stat.. the following section:
 - 3b.—(1) The Minister may, with the approval of the Rights to Lieutenant-Governor in Council, grant rights to cut cut timber on the ungranted public lands and timber on patented lands, where the timber on them remains the property of the Crown, for such periods and for such consideration and subject to such conditions, regulations and restrictions as the Minister may deem proper.
 - (2) Sections 2, 3a, 4, 5 and 6 and all the other provisions Other proof of this Act and any regulations made thereunder Act to shall apply in the case of all timber cut under rights apply. granted under this section.
- 2. Subsection 2 of section 5 of *The Crown Timber Act* Rev. Stat., c. 36, s. 5, subs. 2, repealed.
 - 3. Section 21 of The Crown Timber Act is repealed.

Rev. Stat., c. 36, s. 21, repealed.

- 4. This Act shall come into force on the 1st day of June, Commence-1947.
- . 5. This Act may be cited as The Crown Timber Amendment Short title. Act, 1947.

1st Reading

March 25th, 1947

2nd Reading March 28th, 1947

3rd Reading April 1st, 1947

Mr. Scott

Day.

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Mills Licensing Act.

MR. SCOTT

TORONTO

Printed and Published by H. E. Brown Acting Printer to the King's Most Excellent Majesty

EXPLANATORY NOTE

The opening words of the section are brought into line with corresponding provisions in other Acts. Provision for licenses, which is now restricted to licenses for the construction and operation of mills is extended to include the other matters indicated in the proposed clause a.

No. 115

1947

BILL

An Act to amend The Mills Licensing Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 3 of *The Mills Licensing Act* is amended by Rev. Stat., striking out the first two lines and clause a and substituting amended. therefor the following:
 - 3. The Lieutenant-Governor in Council may make Regulations. regulations,—
 - (a) providing for the issue of licenses for the construction, operation, alteration and expansion of mills, and for the installation in mills of additional machinery and equipment which would increase production;
- 2. This Act shall come into force on the 1st day of June, Commence-1947.
- 3. This Act may be cited as The Mills Licensing Amend-Short title. ment Act, 1947.

An Act to amend The Mills Licensing Act.

1st Reading March 25th, 1947

2nd Reading

3rd Reading

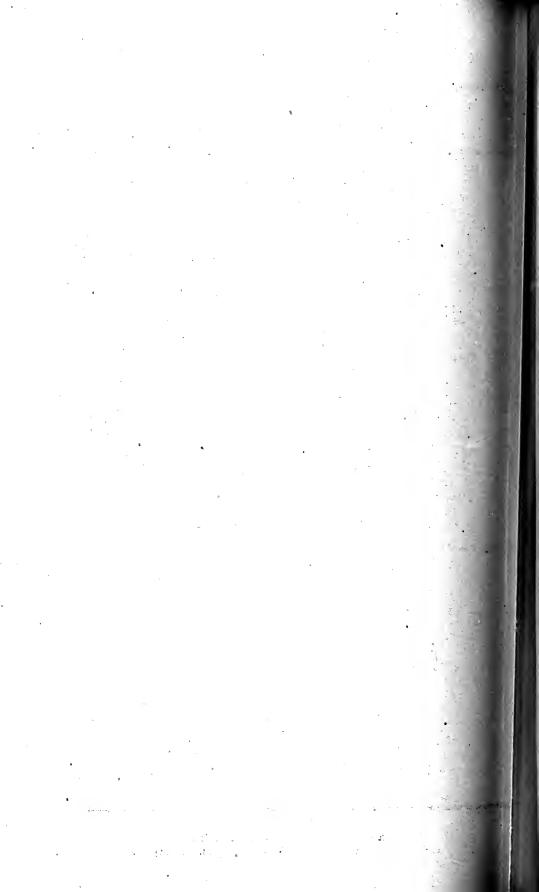
Mr. Scott

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Mills Licensing Act.

Mr. Scott



No. 115

1947

BILL

An Act to amend The Mills Licensing Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 3 of *The Mills Licensing Act* is amended by Rev. Stat., striking out the first two lines and clause a and substituting amended. therefor the following:
 - 3. The Lieutenant-Governor in Council may make Regulations. regulations,—
 - (a) providing for the issue of licenses for the construction, operation, alteration and expansion of mills, and for the installation in mills of additional machinery and equipment which would increase production;

2. This Act shall come into force on the 1st day of June, Commence-1947.

3. This Act may be cited as The Mills Licensing Amend-Short title. ment Act, 1947.

An Act to amend The Mills Licensing Act.

1st Reading March 25th, 1947

2nd Reading March 28th, 1947

3rd Reading April 1st, 1947

BILL

An Act to amend The Public Lands Act.

MR. SCOTT

EXPLANATORY NOTES

Section 1. Through inadvertence settlers have been located upon and in some cases granted, by way of free grant, or sold, acreages in excess of those prescribed by the Act. This section confirms such grants and sales and authorizes the making of like grants and sales to settlers who were located prior to December 16th, 1941.

Section 2. The section, as redrawn, clarifies the rights of a widow of a locatee by removing any doubt as to the authority to issue letters patent to her. It also removes the condition that in order to retain her interest and right in the land she must not remarry.

No. 116

1947

BILL

An Act to amend The Public Lands Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Public Lands Act is amended by adding thereto Rev. Stat., the following section:

42a. Where, before the 16th day of December, 1941,—

Issue of

- (a) a person was located on land in excess of the acreage prescribed in subsection 1 or 2 of section 36 and either before or after such date completed the settlement duties in respect thereof; or
- (b) a person was located on land, whether or not in excess of the acreage prescribed in subsection 1 or 2 of section 36, and either before or after such date completed the settlement duties in respect of adjacent land in excess of the acreage prescribed in subsection 3 of section 36.

a patent may issue for all of such land notwithstanding such excess acreage.

(2) All letters patent heretofore issued under Part II of Confirmation of Public Lands Act are confirmed and declared to be legal patents and valid notwithstanding that the lands therein granted under were in excess of the acreage prescribed in section 36 of The Part II. Public Lands Act.

2. Section 48 of *The Public Lands Act* is repealed and the Rev. Stat., c. 33, s. 48, amended.

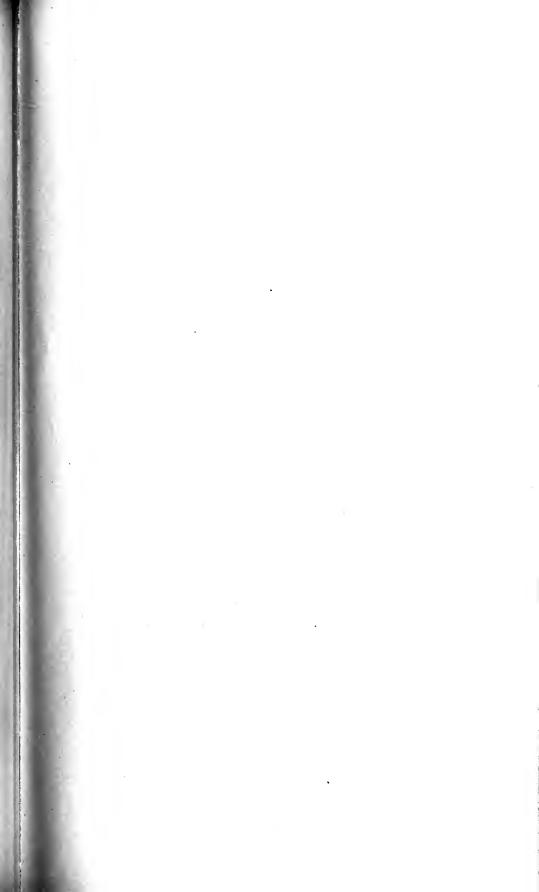
48.—(1) On the death of the locatee, whether before or Right of after the issue of the letters patent, all his then death of interest and right in the land, including the right to

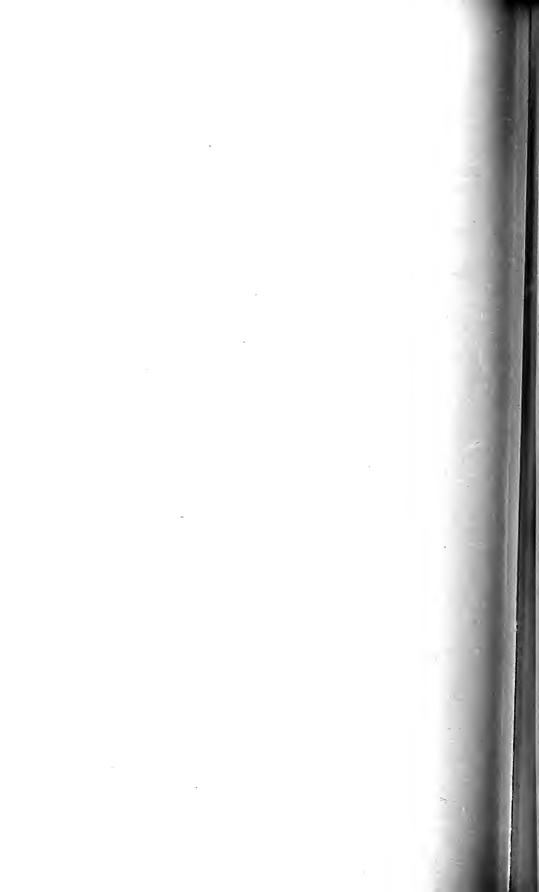
letters patent granting the land, shall descend to and become vested in his widow in lieu of dower, but the widow may elect to have her dower in the land in lieu of this provision.

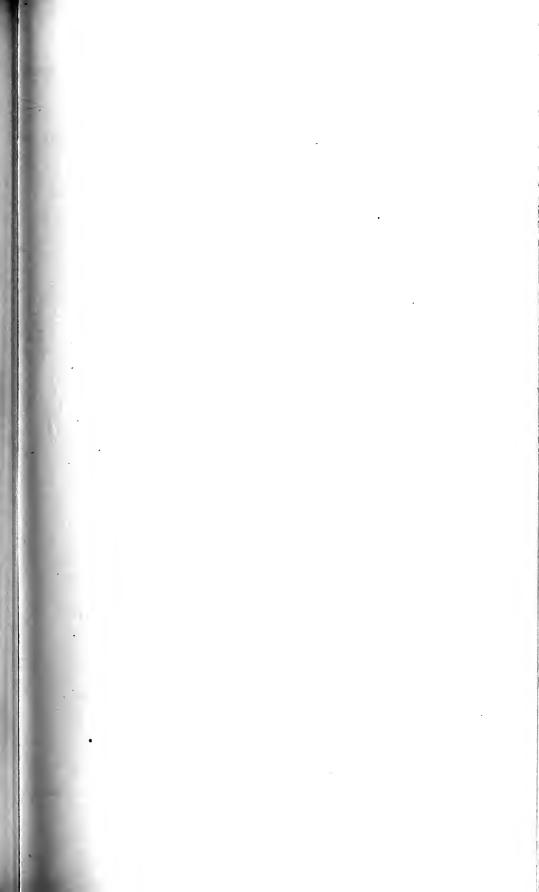
Right of widow of locatee after remarriage.

- (2) Where the widow of a locatee remarries, she shall not thereby divest hereself of any interest or right vested in her under subsection 1.
- Commencement of Act. 3. This Act shall come into force on the 1st day of June, 1947.

Short title. 4. This Act may be cited as The Public Lands Amendment Act, 1947.







RII

An Act to amend The Public Lands Act.

1st Reading March 25th, 1947

2nd Reading

3rd Reading

BILL

An Act to amend The Public Lands Act.

Mr. Scott

TORONTO PRINTED AND PUBLISHED BY H. E. BROWN ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY





BILL

An Act to amend The Public Lands Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Public Lands Act is amended by adding thereto Rev. Stat., the following section:

42a. Where, before the 16th day of December, 1941,— Issue of patent.

- (a) a person was located on land in excess of the acreage prescribed in subsection 1 or 2 of section 36 and either before or after such date completed the settlement duties in respect thereof; or
- (b) a person was located on land, whether or not in excess of the acreage prescribed in subsection 1 or 2 of section 36, and either before or after such date completed the settlement duties in respect of adjacent land in excess of the acreage prescribed in subsection 3 of section 36.

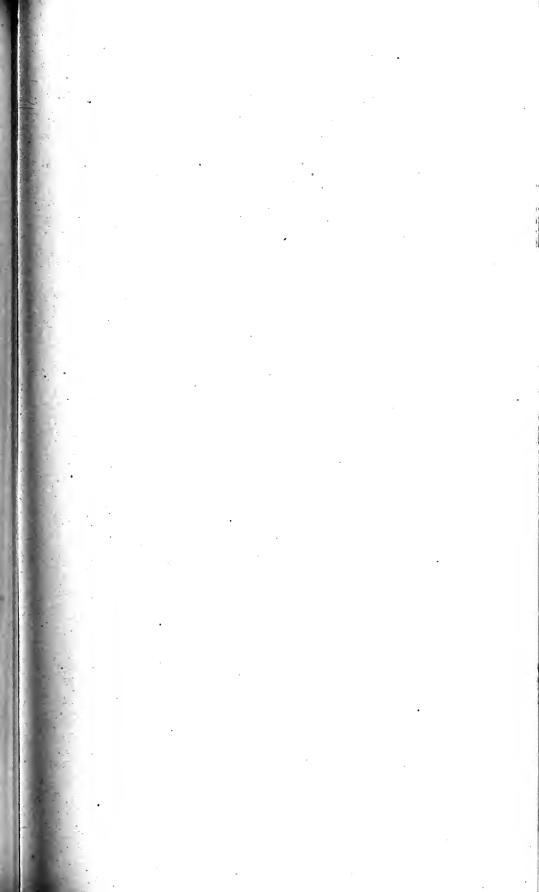
a patent may issue for all of such land notwithstanding such excess acreage.

- (2) All letters patent heretofore issued under Part II of Confirmation of The Public Lands Act are confirmed and declared to be legal patents and valid notwithstanding that the lands therein granted under were in excess of the acreage prescribed in section 36 of The Part II. Public Lands Act.
- 2. Section 48 of *The Public Lands Act* is repealed and the Rev. Stat., c. 33, s. 48, amended.
 - 48.—(1) On the death of the locatee, whether before or Right of widow on after the issue of the letters patent, all his then death of interest and right in the land, including the right to

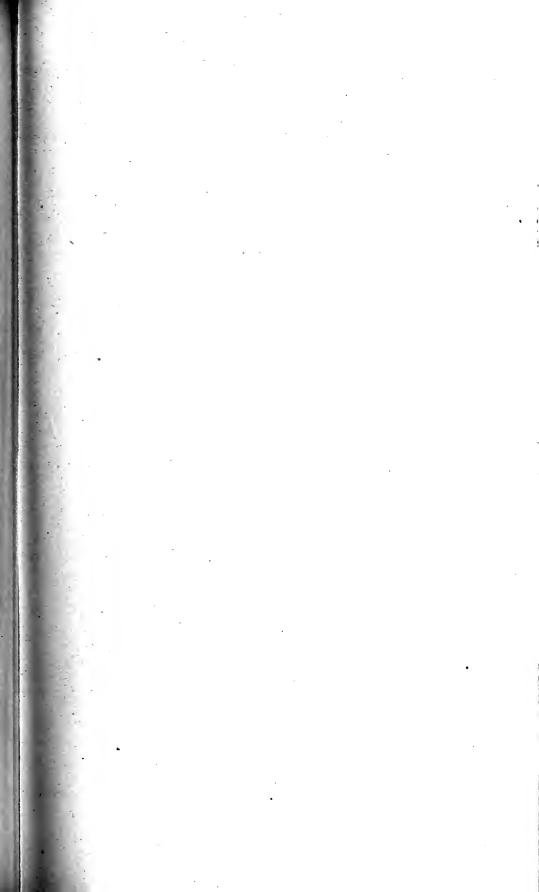
letters patent granting the land, shall descend to and become vested in his widow in lieu of dower, but the widow may elect to have her dower in the land in lieu of this provision.

Right of widow of locatee after remarriage.

- (2) Where the widow of a locatee remarries, she shall not thereby divest hereself of any interest or right vested in her under subsection 1.
- Commencement of Act. '3. This Act shall come into force on the 1st day of June, 1947.
- 4. This Act may be cited as The Public Lands Amendment Act, 1947.







An Act to amend The Public Lands Act.

March 25th, 1947 1st Reading

2nd Reading

March 28th, 1947

3rd Reading April 1st, 1947

BILL

An Act to amend The Cullers Act.

MR. SCOTT

EXPLANATORY NOTES

Sections 1, 2: Sawlogs or pulpwood rejected as culls may not be worthless for all purposes and the wording of the Act is accordingly rendered accurate.

Section 3: Self explanatory.

No. 117

1947

BILL

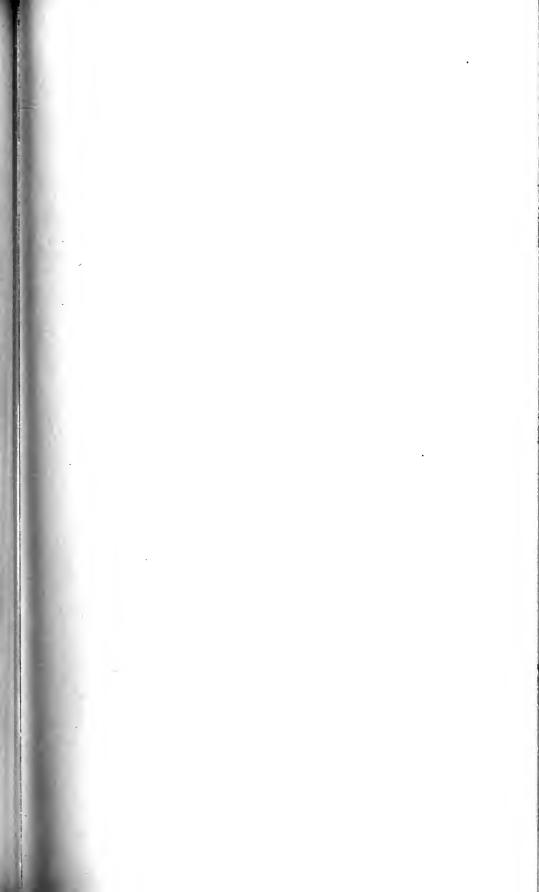
An Act to amend The Cullers Act.

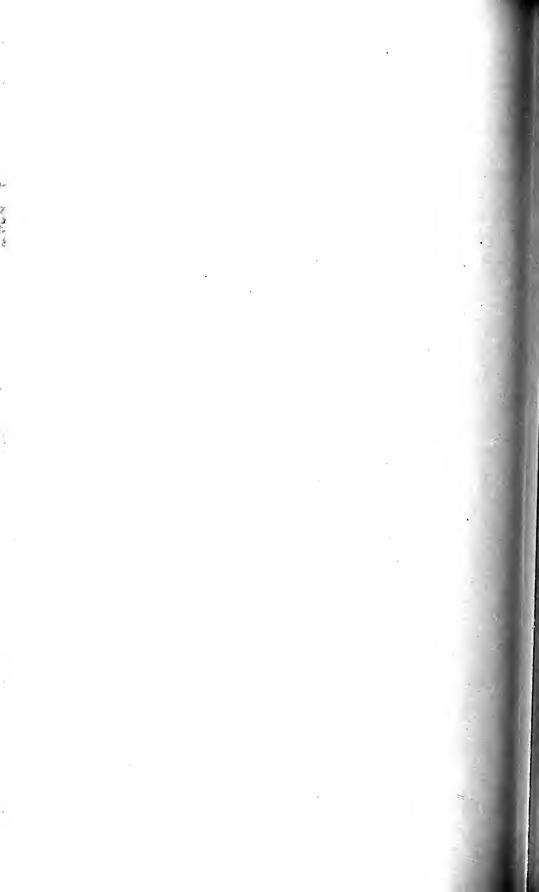
HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 13 of *The Cullers Act* is amended by striking out Rev. Stat... the words "rejected as worthless" in the ninth line and amended. inserting in lieu thereof the words "classified as culls", so that the said section shall now read as follows:
 - 13. At the end of the season every culler of sawlogs shall Returns to be made by make a sworn return upon forms supplied by the cullers.

 Department or its agents, which shall show the Names and names and addresses of each person for whom the addresses. sawlogs measured were cut, the lands on which the said sawlogs were cut, the number of pieces measured and accepted by him cut on each of said lands and the respective lengths and diameters of each of said pieces so cut and also the number of pieces so cut on each of said lands and classified as culls.
- **2.** Section 14 of *The Cullers Act* is amended by striking out Rev. Stat., the words "rejected as worthless" in the eighth and ninth amended. lines and inserting in lieu thereof the words "classified as culls", so that the said section shall now read as follows:
 - 14. At the end of the season every culler of pulpwood Returns to shall make a sworn return upon the forms supplied cullers. by the Department or its agents which shall show Number of the number of cords of pulpwood measured by him, measured the names and addresses of each person for whom said pulpwood was cut respectively, the lands on which the said pulpwood was cut and the number of cords so cut on each of said lands, and also the quantity of pulpwood cut on each of said lands and classified as culls.
- 3. The Cullers Act is amended by adding thereto the follow-Rev. Stat., c. 240, amended.
 - 16a. The Lieutenant-Governor in Council may make Regulations. regulations,—

- (a) prescribing the method by which timber cut on Crown lands shall be measured;
- (b) generally for the better carrying out of the provisions of this Act.
- Commencement of Act. This Act shall come into force on the 1st day of June, 1947.
- Short title. 5. This Act may be cited as The Cullers Amendment Act, 1947.







BILL

An Act to amend The Cullers Act.

1st Reading March 25th, 1947

2nd Reading

3rd Reading

BILL

An Act to amend The Cullers Act.



No. 117

1947

BILL

An Act to amend The Cullers Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 13 of *The Cullers Act* is amended by striking out Rev. Stat.. the words "rejected as worthless" in the ninth line and amended. inserting in lieu thereof the words "classified as culls", so that the said section shall now read as follows:
 - 13. At the end of the season every culler of sawlogs shall Returns to be made by make a sworn return upon forms supplied by the cullers.

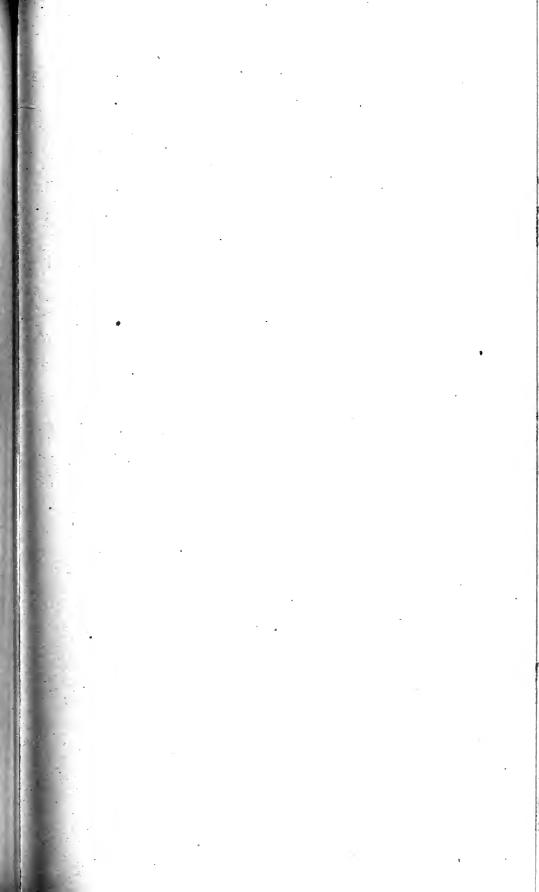
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 - 14. At the end of the season every culler of pulpwood Returns to shall make a sworn return upon the forms supplied cullers. by the Department or its agents which shall show Number of the number of cords of pulpwood measured by him, measured. the names and addresses of each person for whom said pulpwood was cut respectively, the lands on which the said pulpwood was cut and the number of cords so cut on each of said lands, and also the quantity of pulpwood cut on each of said lands and classified as culls.
- 3. The Cullers Act is amended by adding thereto the follow-Rev. Stat., ing section:

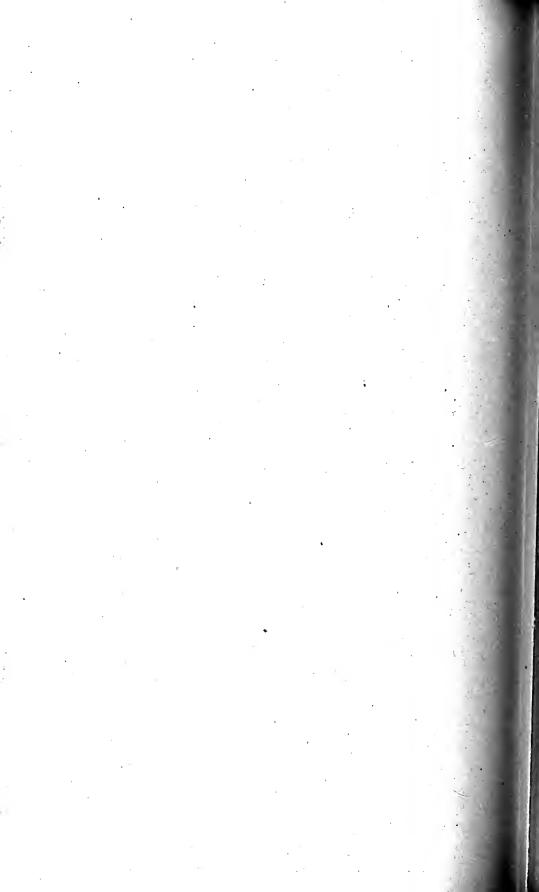
 amended.
 - 16a. The Lieutenant-Governor in Council may make Regulations. regulations,—

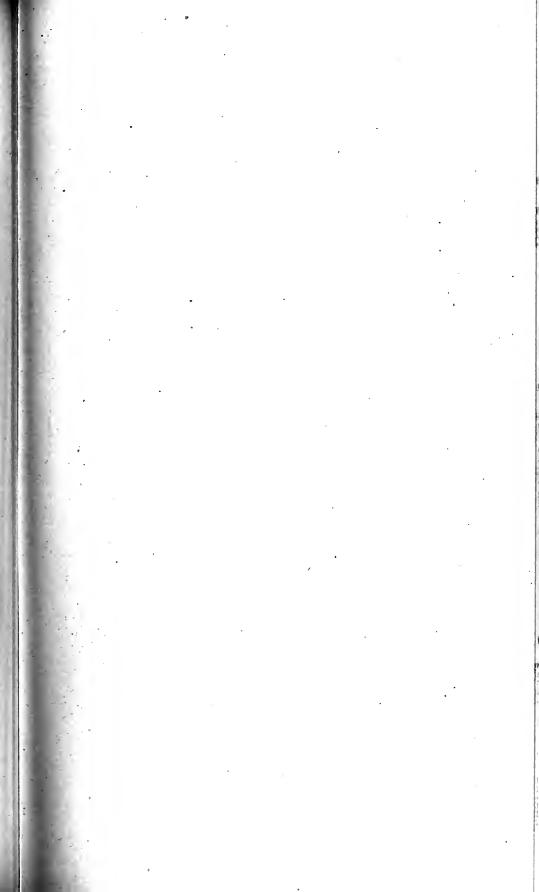
- (a) prescribing the method by which timber cut on Crown lands shall be measured;
- (b) generally for the better carrying out of the provisions of this Act.

Commencement of Act. 4. This Act shall come into force on the 1st day of June, 1947.

Short title. 5. This Act may be cited as The Cullers Amendment Act, 1947.







1st Reading

March 25th, 1947

2nd Reading March 28th, 1947

3rd Reading

April 1st, 1947

BILL

An Act to provide for Forest Management.

MR. SCOTT

EXPLANATORY NOTE

The Act provides means of regulating the timber cutting operations which are carried on throughout the province. Provision is made for the filing and approval of master plans covering long periods of operation as well as for the filing of annual plans covering intended operations during each cutting season and also for the making of annual reports at the close of the cutting season.

No. 118 1947

BILL

An Act to provide for Forest Management.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpretation,—

- (a) "annual plan" shall mean a plan furnished under "annual section 3:
- (b) "approved" shall mean approved by the Minister; "approved";
- (c) "Crown timber area" shall mean an area on which any "Crown of the timber is the property of the Crown whether area"; such area comprises Crown lands, patented lands, or both;
- (d) "master plan" shall mean a plan furnished under "master section 2; and
- (e) "Minister" shall mean Minister of Lands and Forests. "Minister".
- 2.—(1) Every person who has cutting rights in a Crown Inventory timber area shall, when required by the Minister, furnish plan to be to him,—
 - (a) an estimated inventory of the timber on the Crown timber area with respect to which he has cutting rights, classifying the timber as to age, species, size and type;
 - (b) a proposed master plan for managing the Crown timber area and utilizing the timber thereon; and
 - (c) a map, which shall form a part of the master plan, dividing the Crown timber area into proposed operational units.
- (2) The Minister may approve a master plan as submitted Approval to him or may approve it with such alterations therein as he plan. may deem advisable.

Management of area according to plan.

(3) Subject to section 3, a person who has received a request to furnish a master plan shall manage the Crown timber area covered by it and utilize the timber thereon in accordance with the provisions of the approved master plan.

Master plan to govern. Rev. Stat.,

(4) Where conflict exists between an approved master plan and any agreement made or licence granted under *The Crown Timber Act*, the provisions of the master plan shall govern.

Information to be furnished annually.

- **3.**—(1) Every person who is required to furnish a master plan shall annually during the life of such master plan, furnish to the Minister.—
 - (a) at least sixty days before cutting operations commence, a plan for cutting operations to be conducted during the twelve-month period commencing on the 1st day of April; and
 - (b) on or before the 31st day of October, a map indicating the cut-over areas together with a statement showing the amount, species and size of timber cut from each cutting area during the twelve-month period ending March 31st of that year.

Alteration in plan.

(2) The Minister may direct such alteration to be made in an annual plan as he deems advisable and where such alteration involves the alteration of an approved master plan, the master plan shall be deemed to be altered accordingly.

Cessation of cutting operations.

4. The Minister may direct the cessation of cutting operations until a master plan has been approved.

Suspension or cancellation of agreement or licence. **5**. Where any person fails to comply with an approved master plan, the Minister may suspend or cancel the agreement, or licence, or both, under which he derives his cutting rights.

Regulations.

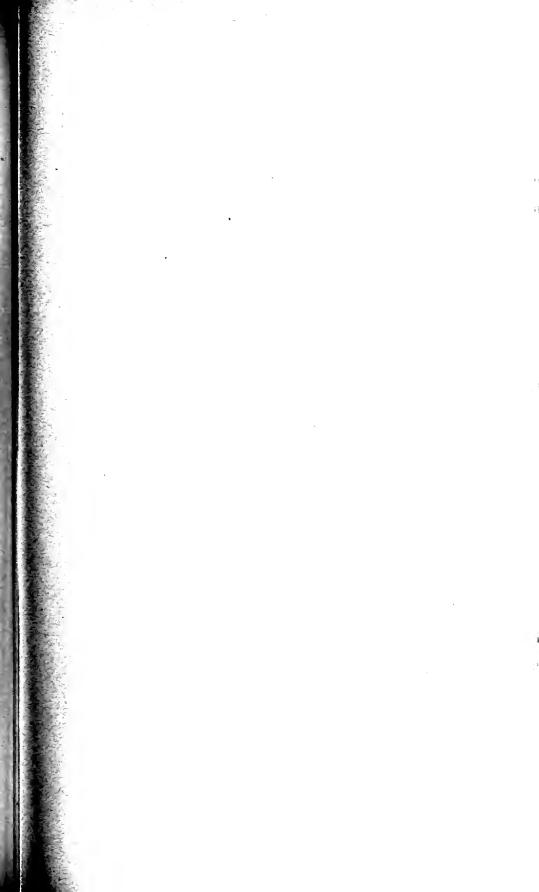
- **6**. The Lieutenant-Governor in Council may make regulations,—
 - (a) prescribing the manner of preparing and the form of inventories, maps and statements required under this Act and governing the accuracy and verification thereof; and
 - (b) generally for the better carrying out of the provisions of this Act.

Commencement of Act.

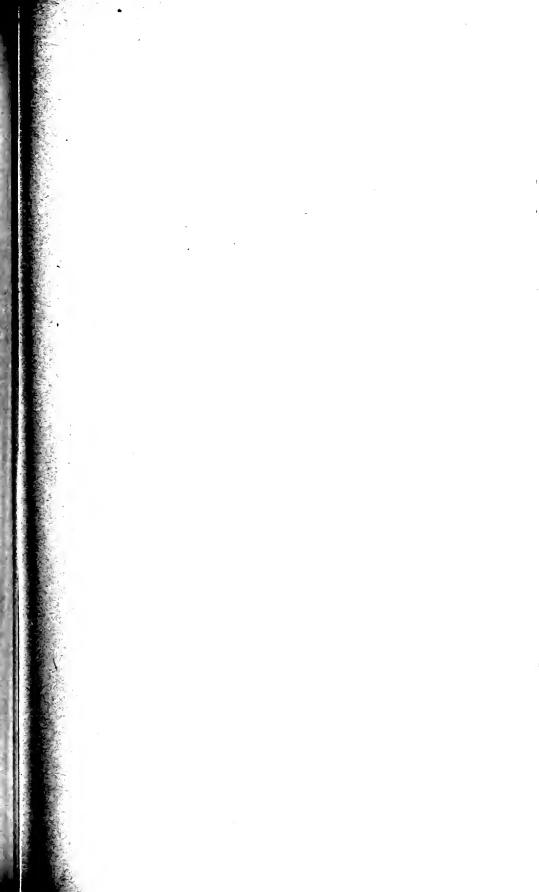
7. This Act shall come into force on the 1st day of June, 1947.

Short title.

8. This Act may be cited as The Forest Management Act, 1947.







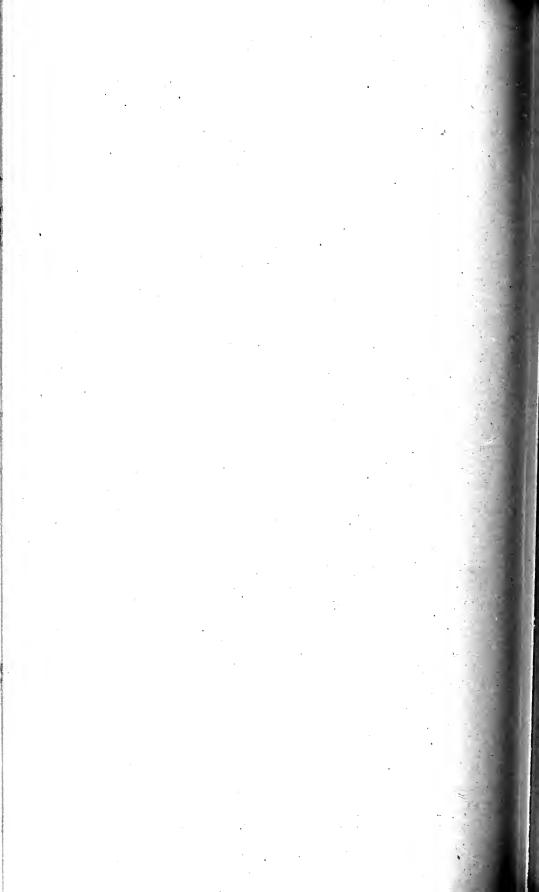
1st Reading
March 25th, 1947

2nd Reading

3rd Reading

BILL

An Act to provide for Forest Management.



1947

BILL

An Act to provide for Forest Management.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpretation,—

- (a) "annual plan" shall mean a plan furnished under "annual plan";section 3;
- (b) "approved" shall mean approved by the Minister; "approved";
- (c) "Crown timber area" shall mean an area on which any "Crown of the timber is the property of the Crown whether area"; such area comprises Crown lands, patented lands, or both;
- (d) "master plan" shall mean a plan furnished under "master section 2; and
- (e) "Minister" shall mean Minister of Lands and Forests. "Minister".
- 2.—(1) Every person who has cutting rights in a Crown Inventory timber area shall, when required by the Minister, furnish plan to be to him.—
 - (a) an estimated inventory of the timber on the Crown timber area with respect to which he has cutting rights, classifying the timber as to age, species, size and type;
 - (b) a proposed master plan for managing the Crown timber area and utilizing the timber thereon; and
 - (c) a map, which shall form a part of the master plan, dividing the Crown timber area into proposed operational units.
- (2) The Minister may approve a master plan as submitted Approval to him or may approve it with such alterations therein as he plan. may deem advisable.

Management of area according to plan.

(3) Subject to section 3, a person who has received a request to furnish a master plan shall manage the Crown timber area covered by it and utilize the timber thereon in accordance with the provisions of the approved master plan.

Master plan to govern. Rev. Stat., c. 36.

(4) Where conflict exists between an approved master plan and any agreement made or licence granted under *The Crown Timber Act*, the provisions of the master plan shall govern.

Information to be furnished annually.

- **3.**—(1) Every person who is required to furnish a master plan shall annually during the life of such master plan, furnish to the Minister.—
 - (a) at least sixty days before cutting operations commence, a plan for cutting operations to be conducted during the twelve-month period commencing on the 1st day of April; and
 - (b) on or before the 31st day of October, a map indicating the cut-over areas together with a statement showing the amount, species and size of timber cut from each cutting area during the twelve-month period ending March 31st of that year.

Alteration in plan.

(2) The Minister may direct such alteration to be made in an annual plan as he deems advisable and where such alteration involves the alteration of an approved master plan, the master plan shall be deemed to be altered accordingly.

Cessation of cutting operations.

4. The Minister may direct the cessation of cutting operations until a master plan has been approved.

Suspension or cancellation of agreement or licence. **5**. Where any person fails to comply with an approved master plan, the Minister may suspend or cancel the agreement, or licence, or both, under which he derives his cutting rights.

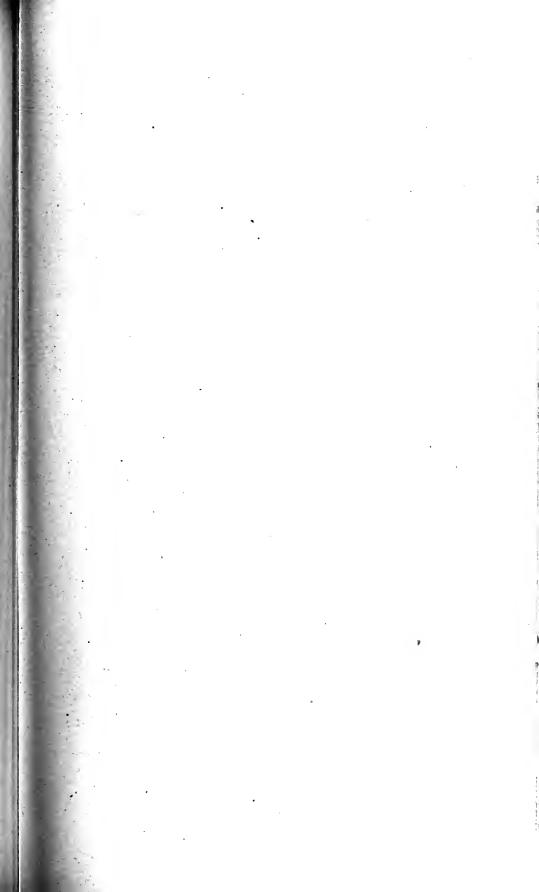
Regulations.

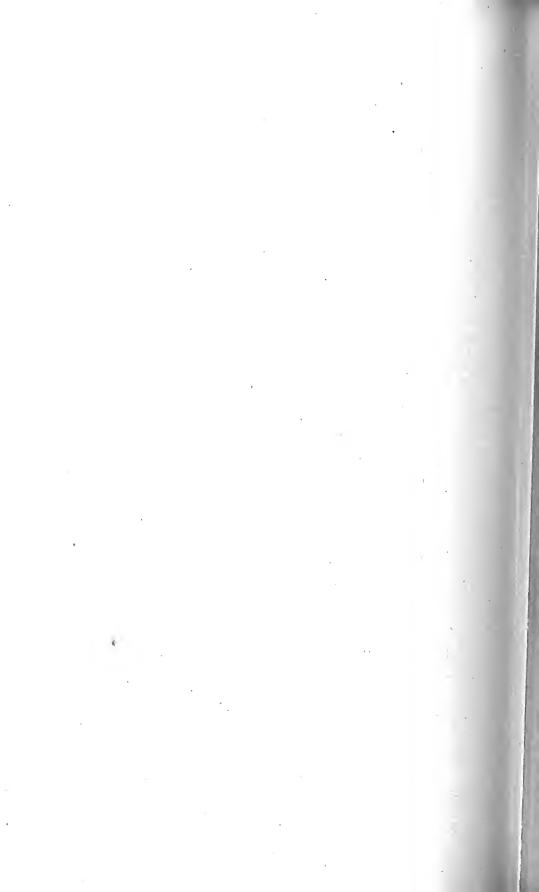
- **6**. The Lieutenant-Governor in Council may make regulations,—
 - (a) prescribing the manner of preparing and the form of inventories, maps and statements required under this Act and governing the accuracy and verification thereof; and
 - (b) generally for the better carrying out of the provisions of this Act.

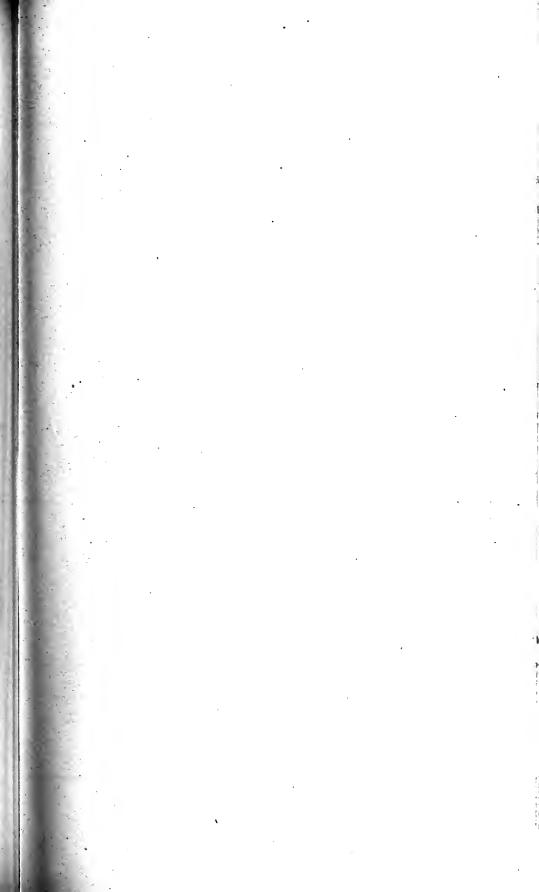
Commencement of Act. 7. This Act shall come into force on the 1st day of June, 1947.

Short title.

8. This Act may be cited as The Forest Management Act, 1947.







1st Reading March 25th, 1947

2nd Reading

March 28th, 1947

.3rd Reading

April 1st, 1947

BILL

An Act to amend The Surveys Act.

MR. SCOTT

TORONTO

PRINTED AND PUBLISHED BY H. E. BROWN ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This amendment gives power to the Minister to order a re-survey where the existing survey has been obliterated and to confirm re-survey after notice and a hearing. Subsection 2 of the new section permits confirmation of re-surveys already made, after notice and a hearing.

1947

BILL

An Act to amend The Surveys Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Surveys Act is amended by adding thereto the Rev. Stat., following section:
 - 18a.—(1) Where any survey performed in accordance Re-survey with sections 10 and 11 has become wholly or Minister. partially obliterated, and in the opinion of the Minister it is in the public interest that the lines be re-established, the Minister may direct a resurvey to be made for such purpose and the lines to be marked by monuments of stone or other durable material, and upon such direction being made the provisions of subsection 1 of section 17 shall, mutatis mutandis, apply.
 - (2) Where a similar re-survey has heretofore been made Confirmation under the instructions of the Minister, the Minister already may, upon compliance with the conditions as to publication of notice and holding a hearing set forth in subsection 1 of section 17, confirm the re-survey, and such confirmation shall have the like force and effect as a confirmation made under the said subsection.
- 2. This Act shall come into force on the 1st day of June, Commence-1947.
- 3. This Act may be cited as The Surveys Amendment Short title. Act, 1947.

An Act to amend The Surveys Act.

1st Reading March 25th, 1947

2nd Reading

3rd Reading

BILL

An Act to amend The Surveys Act.



1947

BILL

An Act to amend The Surveys Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Surveys Act is amended by adding thereto the Rev. Stat., following section:
 - 18a.—(1) Where any survey performed in accordance Re-survey with sections 10 and 11 has become wholly or Minister partially obliterated, and in the opinion of the Minister it is in the public interest that the lines be re-established, the Minister may direct a resurvey to be made for such purpose and the lines to be marked by monuments of stone or other durable material, and upon such direction being made the provisions of subsection 1 of section 17 shall, mutatis mutandis, apply.
 - (2) Where a similar re-survey has heretofore been made Confirmation under the instructions of the Minister, the Minister already may, upon compliance with the conditions as to publication of notice and holding a hearing set forth in subsection 1 of section 17, confirm the re-survey, and such confirmation shall have the like force and effect as a confirmation made under the said subsection.
- 2. This Act shall come into force on the 1st day of June, Commence-1947.
- 3. This Act may be cited as The Surveys Amendment Short title. Act, 1947.

An Act to amend The Surveys Act.

1st Reading

March 25th, 1947

2nd Reading March 28th, 1947

3rd Reading

April 1st, 1947

BILL

The Fumes Control Act, 1947.

MR. CARLIN

EXPLANATORY NOTE

The purpose of the Bill is to require every smelter which smelts or roasts nickel-copper or iron ore to adopt and carry out a plan which comprises the best practicable means for controlling or preventing the discharge of noxious or offensive gas or fumes, or, where discharged, to render them harmless or inoffensive.

Application for approval of a plan is made to the Ontario Municipal Board, notice thereof being given to all interested government departments and municipalities.

1947

BILL

The Fumes Control Act, 1947.

IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act.—

Interpreta-

- (a) "Board" shall mean Ontario Municipal Board; and "Board";
- (b) "smelter" shall mean any person, company or cor-"smelter". poration carrying on any undertaking which includes the smelting or roasting of nickel-copper or iron ore.
- 2. Every smelter, within three months after the coming into Plan to force of this Act, or within one month after commencing its fumes. undertaking, shall prepare and submit to the Board an application for approval of a plan to control or prevent the discharge from the furnaces, chimneys or smokestacks, operated by the smelter of any noxious or offensive gas or fumes or to render such gas or fumes where discharged harmless or inoffensive.
- 3. Every such application shall include evidence that the Evidence of plan submitted represents the best practicable means for the purpose in the circumstances.
- 4. The Board shall forward copies of every such application Copies of at the earliest possible date, by registered mail to the Minister Government. of Mines, the Minister of Health, the Minister of Agriculture, palities. the Minister of Planning and Development, and to the clerk of every municipality within a radius of thirty miles of the undertaking carried on by the smelter.
- **5.** The Board shall fix a date for hearing the application, Hearing. not less than two months nor more than four months after the receipt thereof, and reasonable notice of such hearing and of any adjournment thereof shall be given by the Board to every Minister and the clerk of every municipality mentioned in section 4, any of whom may appear by counsel or otherwise

and adduce evidence and make representations for or against the plan submitted or any alternative plan.

Duty of Board. **6.** The Board shall determine whether the plan submitted or any modification or variation thereof represents the best practicable means for the purpose in the circumstances, and whether any other plan ought to be considered or adopted.

Order of Board. 7.—(1) Not more than three months after hearing the application the Board shall make an order either approving the application or a modification or variation thereof or an alternative plan and requiring the smelter to institute and maintain such plan as may be approved by the Board.

Compliance.

(2) The smelter shall, within three months from the date of the order institute and maintain a plan in conformity therewith.

Penalty.

8. Every smelter which erects, operates, maintains or carries on any undertaking in violation of this Act or fails to comply with any order of the Board, shall for each offence, incur a penalty of \$1,000, and each day's continuance of such violation or failure to comply shall constitute a new and distinct offence.

Acts of officers, agents.

9. For the purpose of enforcing any penalty under any of the provisions of this Act, or enforcing any order of the Board made under this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by the smelter shall in every case be also deemed to be the act, omission or failure of the smelter as well as that of the officer, agent or other person.

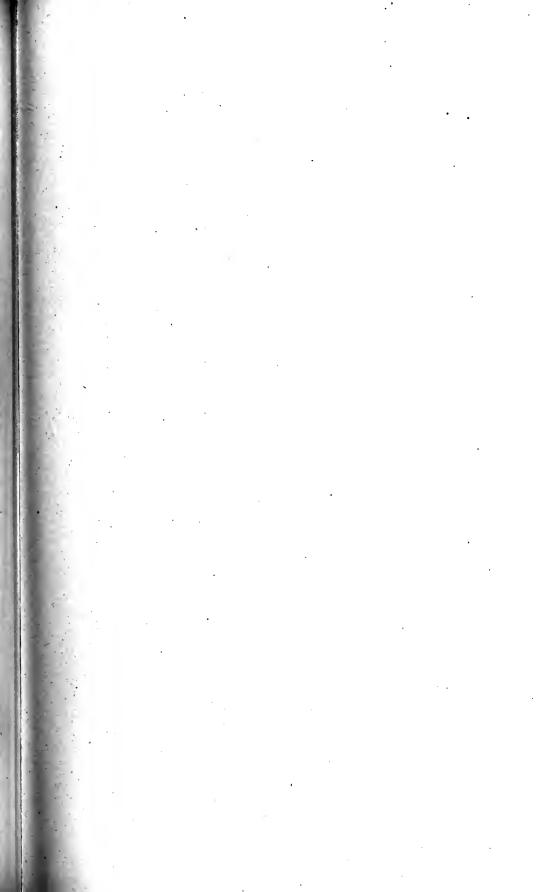
Recovery of penalties.

10. The penalties imposed by this Act may be recovered by action in the name of His Majesty by the Attorney General for Ontario.

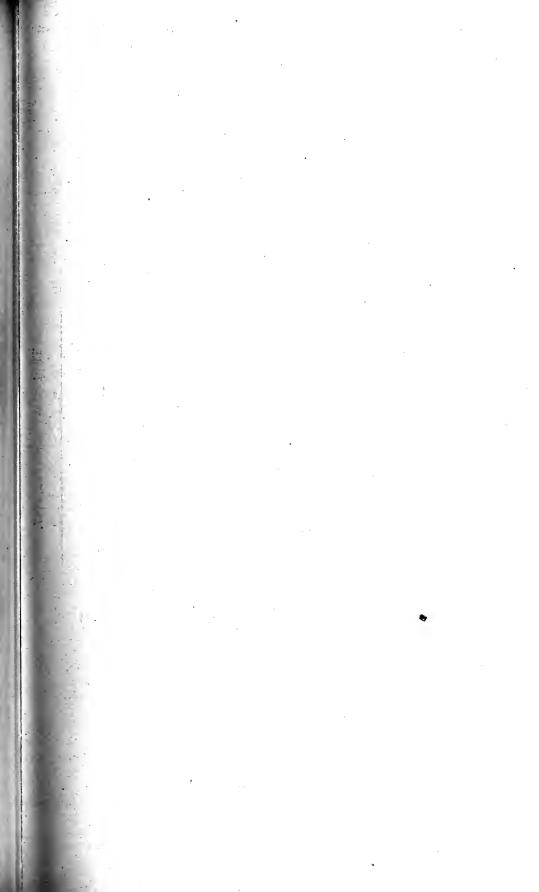
Rev. Stat., c. 51 to apply. 11. Nothing in this Act shall exclude the operation of any of the provisions of The Damage by Fumes Arbitration Act.

Short title.

12. This Act may be cited as The Fumes Control Act, 1947.







BILL

1st Reading March 26th, 1947

2nd Reading

3rd Reading

Mr. Carlin

BILL

An Act to amend The Liquor Licence Act, 1946.

Mr. Blackwell

EXPLANATORY NOTES

SECTION 1. The new section 22a, which provides for mess and canteen permits, is self-explanatory. Its purpose is to permit liquor to be made available to messes and canteens of the navy, army or air force, with the approval of the Department of National Defence, in areas coming under the Canada Temperance Act or local option areas.

Section 2. The new subsection is a re-enactment of the proviso which presently appears at the end of subsection 1 of section 23. The only alteration is the addition of the words "club, military mess, railway car or steamship" in clause b. The form of the provision has been altered for clarity.

1947

BILL

An Act to amend The Liquor Licence Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Liquor Licence Act, 1946, is amended by adding 1946, c. 47. thereto the following section:
 - 22a.—(1) The Board may issue a mess and canteen Mess and permit to the officer commanding any unit, station permit. or establishment of the naval, military or air forces of Canada which is designated to the Board by the Minister of National Defence (Canada) authorizing him to purchase liquor for consumption in messes and canteens under his control.
 - (2) Neither the application for a permit, the issue of a provincial permit nor the designation of a unit, station or jurisdiction establishment by the Minister of National Defence ferred. shall confer any provincial jurisdiction with respect to such unit, station or establishment or in respect to any mess or canteen.
 - (3) Nothing contained in this section shall be construed Jurisdiction as interfering with the jurisdiction of the Board interfered with respect to a military mess in respect of which a licence is issued under this Act.
 - 2.—(1) Subsection 1 of section 23 of *The Liquor Licence* 1946. Act, 1946, is amended by striking out the last eleven lines of subs. 1, amended. the said subsection.
 - (2) The said section 23 is amended by adding thereto the 1946. c. 47, s. 23, amended.
 - (1a) The Board shall not issue a dining room licence Dining or a public house licence in a municipality having a public house population of less than 50,000 according to the last revised assessment roll, except in the case of,—

1944. c. 33.

- (a) an establishment in respect of which an authority under *The Liquor Authority Control Act*, 1944, including therein a privilege corresponding to the licence issued under this Act, was held at the date of the coming into force of this Act; or
- (b) an establishment classified as an hotel, club, military mess, railway car or steamship,

until an affirmative vote has been taken on question d, e or f, as the case may be set out in subsection 1 of section 69.

1946, c. 47, s. 26, amended. 3. Section 26 of *The Liquor Licence Act*, 1946, is amended by adding at the commencement thereof the words "Except as permitted by the Board", so that the said section shall now read as follows:

Bedroom accommodation. 26. Except as permitted by the Board, bedroom accommodation which is available to the public in an establishment that is classified by the Board as a public house, restaurant or tavern, shall be rented only for weekly or longer periods.

1946, c. 47, s. 43, amended. **4**. Section 43 of *The Liquor Licence Act*, 1946, is amended by adding thereto the following subsections:

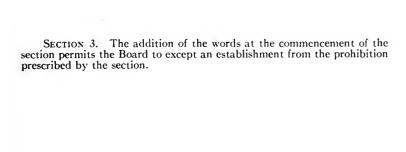
Amount payable to Treasurer to constitute debt due Ontario.

(4) The amount payable to the Treasurer of Ontario under subsection 2 shall constitute a debt due to the Treasurer of Ontario and shall be recoverable by action in any court of competent jurisdiction.

Registration of notice. (5) A notice in the prescribed form of the amount payable under subsection 2 may be registered against the lands upon which the premises in respect of which the licence was issued are situate in the proper registry or land titles office, and upon registration the notice shall operate as a charge against such lands and the buildings thereon.

Transfer of licence, when deemed final. (6) The transfer of a licence shall not be deemed to be final until the amount of the monopoly value has been paid in full.

1946, c. 47, s. 49, amended. 5. Section 49 of *The Liquor Licence Act*, 1946, is amended by adding at the commencement thereof the words "Except as permitted by the Board", so that the said section shall now read as follows:



SECTION 4. The purpose of the new subsections is to ensure the payment to the Treasurer of the amount payable upon the transfer of a licence.

Section 5. The addition of the words at the commencement of the section permits the Board to make exceptions to the rules prescribed by the section.

SECTION 6. Self-explanatory.

Section 7. The office formerly known as the master in chambers has been incorporated in the office of the Master of the Supreme Court, and this amendment brings the section up to date.

49. Except as permitted by the Board, where two types Public house of public house licences are issued for any estab-where two issued for lishment,---

- (a) there shall be no internal means of communication between the premises operated under each of such licences:
- (b) each of such premises shall have separate entrances for the public;
- (c) separate dispensing and other equipment shall be used in serving the public using each of such premises; and
- (d) the employees employed in serving beer to the public in each of such premises shall not enter the other of such premises.
- 6. Section 67 of The Liquor Licence Act, 1946, is amended by 1946. s. 67. adding thereto the following subsection: amended.
 - (2) Where as a result of a vote held under the provisions Where of the Canada Temperance Act after the 31st day of ceases to be in force. December, 1946, the Canada Temperance Act ceases to be in force in any area, no premises shall be licensed and no Ontario wine store shall be authorized until a vote has been taken in the manner provided in section 69, but government stores for the sale of liquor may be established in such area without the submission of question a or b in subsection 1 of section 69.
- 7. Section 80 of The Liquor Licence Act, 1946, is amended 1946. s. 80, by striking out the words "master in chamber" in the eighth amended. line and inserting in lieu thereof the words "Master of the Supreme Court", so that the said section shall now read as follows:
 - 80. Notwithstanding anything contained in this or any Where validity other Act where the validity of a vote on any ques- of vote tion or questions submitted under this Act is questioned. tioned, the provisions of Part IV of The Municipal Act relating to proceedings to declare a seat vacant, shall mutatis mutandis apply, and any notice of motion required under the provisions of *The Muni*-Rev. Stat., cipal Act shall be served on such person as the judge or Master of the Supreme Court may direct.
- 8. This Act shall come into force on the day upon which it Commencereceives the Royal Assent.
- 9. This Act may be cited as The Liquor Licence Amendment Short title. Act, 1947.

BILL

An Act to amend The Liquor Licence Act, 1946.

1st Reading March 26th, 1947

2nd Reading

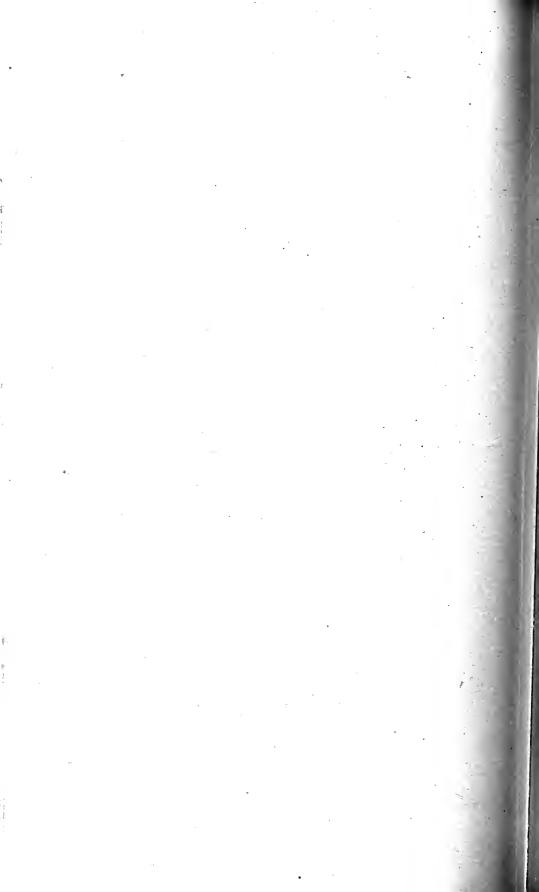
3rd Reading

Mr. Blackwell

BILL

An Act to amend The Liquor Licence Act, 1946.

MR. BLACKWELL



No. 121

1947

BILL

An Act to amend The Liquor Licence Act, 1946,

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Liquor Licence Act, 1946, is amended by adding 1946. c. 47, thereto the following section:
 - 22a.—(1) The Board may issue a mess and canteen Mess and permit to the officer commanding any unit, station permit.
 or establishment of the naval, military or air forces of Canada which is designated to the Board by the
 Minister of National Defence (Canada) authorizing him to purchase liquor for consumption in messes
 and canteens under his control.
 - (2) Neither the application for a permit, the issue of a provincial permit nor the designation of a unit, station or jurisdiction establishment by the Minister of National Defence ferred. shall confer any provincial jurisdiction with respect to such unit, station or establishment or in respect to any mess or canteen.
 - (3) Nothing contained in this section shall be construed of Board not as interfering with the jurisdiction of the Board interfered with respect to a military mess in respect of which a licence is issued under this Act.
- 2.—(1) Subsection 1 of section 23 of *The Liquor Licence* 1946. Act, 1946, is amended by striking out the last eleven lines of subs. 1, amended. the said subsection.
- (2) The said section 23 is amended by adding thereto the 1946, c. 47, s. 23, amended.
 - (1a) The Board shall not issue a dining room licence Dining or a public house licence in a municipality having a public house population of less than 50,000 according to the last revised assessment roll, except in the case of,—

1944, c 33.

- (a) an establishment in respect of which an authority under *The Liquor Authority Control Act*, 1944, including therein a privilege corresponding to the licence issued under this Act, was held at the date of the coming into force of this Act; or
- (b) an establishment classified as an hotel, club, military mess, railway car or steamship,

until an affirmative vote has been taken on question d, e or f, as the case may be set out in subsection 1 of section 69.

1946, c. 47, s. 26, amended. 3. Section 26 of *The Liquor Licence Act*, 1946, is amended by adding at the commencement thereof the words "Except as permitted by the Board", so that the said section shall now read as follows:

Bedroom accommodation. 26. Except as permitted by the Board, bedroom accommodation which is available to the public in an establishment that is classified by the Board as a public house, restaurant or tavern, shall be rented only for weekly or longer periods.

1946, c. 47, s. 43, amended. **4**. Section 43 of *The Liquor Licence Act, 1946*, is amended by adding thereto the following subsections:

Amount payable to Treasurer to constitute debt due Ontario.

(4) The amount payable to the Treasurer of Ontario under subsection 2 shall constitute a debt due to the Treasurer of Ontario and shall be recoverable by action in any court of competent jurisdiction.

Registration of notice. (5) A notice in the prescribed form of the amount payable under subsection 2 may be registered against the lands upon which the premises in respect of which the licence was issued are situate in the proper registry or land titles office, and upon registration the notice shall operate as a charge against such lands and the buildings thereon.

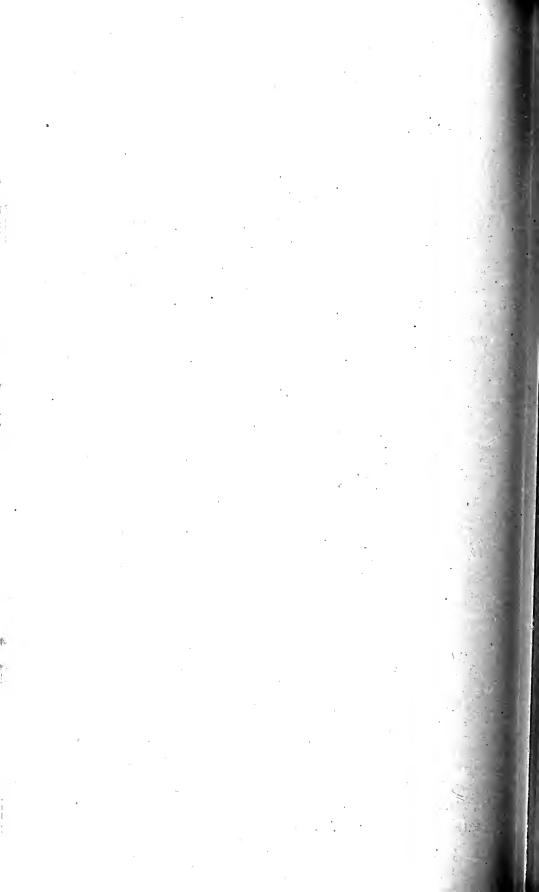
Transfer of licence, when deemed final.

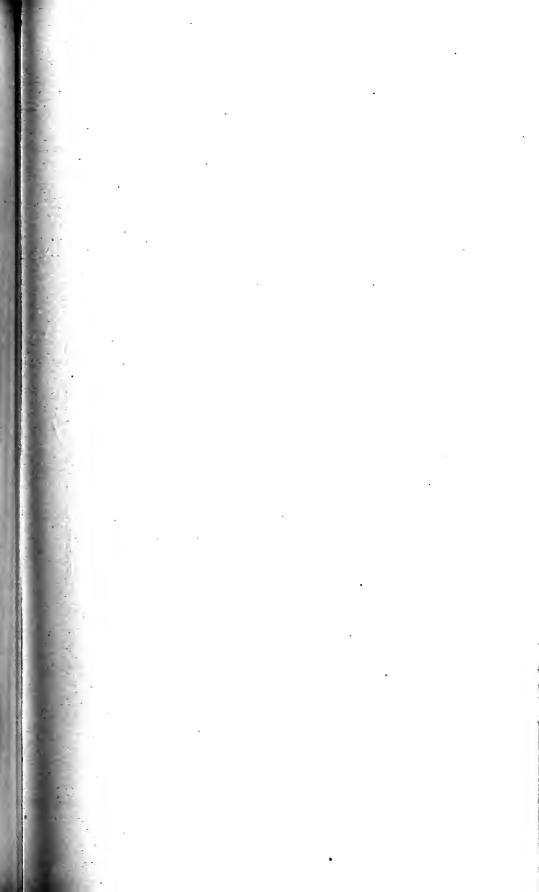
(6) The transfer of a licence shall not be deemed to be final until the amount of the monopoly value has been paid in full.

1946, c. 47, s. 49, amended. **5**. Section 49 of *The Liquor Licence Act*, 1946, is amended by adding at the commencement thereof the words "Except as permitted by the Board", so that the said section shall now read as follows:

49. Except as permitted by the Board, where two types Public house of public house licences are issued for any estab-where two issued for lishment.—

- (a) there shall be no internal means of communication between the premises operated under each of such licences:
- (b) each of such premises shall have separate entrances for the public;
- (c) separate dispensing and other equipment shall be used in serving the public using each of such premises; and
- (d) the employees employed in serving beer to the public in each of such premises shall not enter the other of such premises.
- 6. Section 67 of The Liquor Licence Act, 1946, is amended by 1946. s. 67, adding thereto the following subsection:
 - (2) Where as a result of a vote held under the provisions Where of the Canada Temperance Act after the 31st day of ceases to December, 1946, the Canada Temperance Act ceases to be in force in any area, no premises shall be licensed and no Ontario wine store shall be authorized until a vote has been taken in the manner provided in section 69, but government stores for the sale of liquor may be established in such area without the submission of question a or b in subsection 1 of section 69.
- 7. Section 80 of *The Liquor Licence Act*, 1946, is amended ¹⁹⁴⁶_{c. 47, s. 80}, by striking out the words "master in chamber" in the eighth ^{amended}. line and inserting in lieu thereof the words "Master of the Supreme Court", so that the said section shall now read as follows:
 - 80. Notwithstanding anything contained in this or any Where validity other Act where the validity of a vote on any ques- of vote tion or questions submitted under this Act is questioned, the provisions of Part IV of The Municipal Act relating to proceedings to declare a seat vacant, shall mutatis mutandis apply, and any notice of motion required under the provisions of The Muni-Rev. Stat., c. 266. cipal Act shall be served on such person as the judge or Master of the Supreme Court may direct.
- 8. This Act shall come into force on the day upon which it Commencereceives the Royal Assent.
- 9. This Act may be cited as The Liquor Licence Amendment Short title. Act, 1947.





An Act to amend The Liquor Licence Act, 1946.

March 26th, 1947 1st Reading

2nd Reading

March 31st, 1947

April 2nd, 1947 3rd Reading

Mr. Blackwell

BILL

An Act to amend The Liquor Control Act.

Mr. Blackwell

EXPLANATORY NOTE

The Liquor Licence Act, 1946, provides that municipalities entering into an agreement with the Board are entitled to the fines resulting from prosecutions under The Liquor Licence Act, 1946, or The Liquor Control Act. These amendments are necessary to effectively carry out this scheme.

No. 122

1947

BILL

An Act to amend The Liquor Control Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 137 of *The Liquor Control Act* is repealed and the Rev. Stat., c. 294, s. 137, following substituted therefor:
 - 137. Subject to section 83 of *The Liquor Licence Act*, Payment of 1946, all money penalties imposed under this Act, to Board. after deducting all necessary costs, shall be paid by the justice to the Board.
 - 2. Section 138 of The Liquor Control Act is repealed.

Rev. Stat., c. 294, s. 138, repealed.

- 3. This Act shall come into force on the day upon which it Commencereceives the Royal Assent.
- 4. This Act may be cited as The Liquor Control Amendment Short title. Act, 1947.

1st Reading March 26th, 1947

2nd Reading

3rd Reading

Mr. Blackwell

BILL

An Act to amend The Liquor Control Act.

MR. BLACKWELL



BILL

An Act to amend The Liquor Control Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 137 of *The Liquor Control Act* is repealed and the Rev. Stat., c. 294, s. 137, re-enacted.
 - 137. Subject to section 83 of *The Liquor Licence Act*, Payment of 1946, all money penalties imposed under this Act, to Board. after deducting all necessary costs, shall be paid by the justice to the Board.
 - 2. Section 138 of The Liquor Control Act is repealed.

Rev. Stat., c. 294, s. 138, repealed.

- 3. This Act shall come into force on the day upon which it Commence-receives the Royal Assent.
- 4. This Act may be cited as The Liquor Control Amendment Short title. Act, 1947.

1st Reading March 26th, 1947

2nd Reading

March 31st, 1947

3rd Reading

April 2nd, 1947

Mr. Blackwell

BILL

An Act to amend The Medical Act.

Mr. Kelley

EXPLANATORY NOTE

Self-explanatory.

No. 123

BILL

1947

An Act to amend The Medical Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Medical Act is amended by adding thereto the Rev. Stat., following section:
 - 17a.—(1) No person shall conduct a course or courses Approval in the science or art of medicine or shall grant degrees courses. in medicine without the approval of the Lieutenant-Governor in Council upon the recommendation of the Minister of Health.
 - (2) Upon the recommendation of the Minister of Health Revocation the Lieutenant-Governor in Council may at any time revoke any approval given under this section.
- 2. This Act shall come into force on the 1st day of June, ment of Act. 1947.
- 3. This Act may be cited as The Medical Amendment Act, Short title. 1947.

1st Reading March 26th, 1947

2nd Reading

3rd Reading

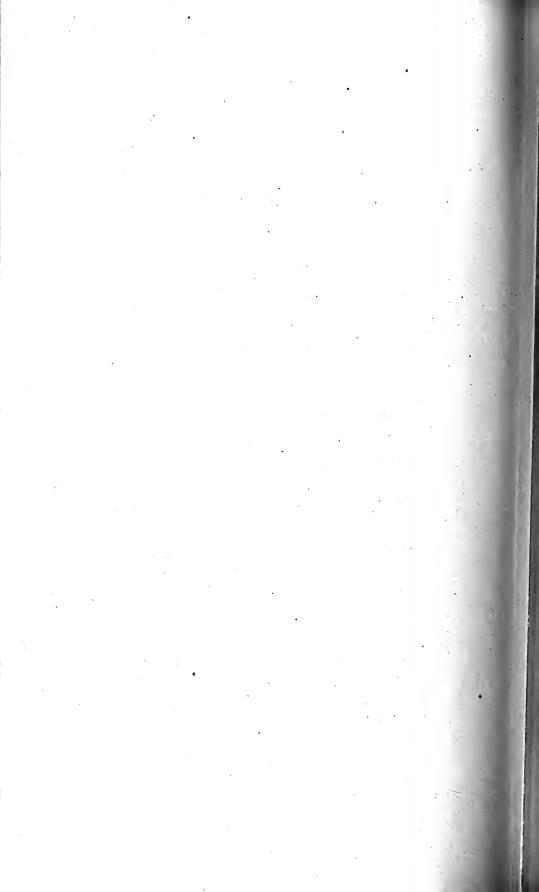
Mr. Kelley

BILL

An Act to amend The Medical Act.

Mr. Kelley

PRINTED AND PUBLISHED BY H. E. BROWN ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 123

1947

BILL

An Act to amend The Medical Act.

HIS*MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Medical Act is amended by adding thereto the Rev. Stat., c. 225, amended.
 - 17a.—(1) No person shall conduct a course or courses Approval for medical in the science or art of medicine or shall grant degrees courses. in medicine without the approval of the Lieutenant-Governor in Council upon the recommendation of the Minister of Health.
 - (2) Upon the recommendation of the Minister of Health Revocation the Lieutenant-Governor in Council may at any time revoke any approval given under this section.
- 2. This Act shall come into force on the 1st day of June, ment of Act.
- 3. This Act may be cited as The Medical Amendment Act, Short title. 1947.

1st Reading

March 26th, 1947

2nd Reading March 28th, 1947

3rd Reading

April 1st, 1947

Mr. Kelley

BILL

An Act to amend The Dentistry Act.

MR. KELLEY

EXPLANATORY NOTE

This amendment will apply to dentistry schools hereafter established.

BILL

An Act to amend The Dentistry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Dentistry Act is amended by adding thereto the Rev. Stat., following section:
 - 13a.—(1) No person shall conduct any course for train-Approval ing or imparting instruction in any branch of courses. dentistry or shall grant degrees in dentistry without the approval of the Lieutenant-Governor in Council upon the recommendation of the Minister of Health.
 - (2) Upon the recommendation of the Minister of Health Revocation the Lieutenant-Governor in Council may at any time revoke any approval given under this section.
- 2. This Act shall come into force on the 1st day of June, Commence-1947.
- 3. This Act may be cited as The Dentistry Amendment Short title. Act, 1947.

1st Reading

March 26th, 1947

2nd Reading

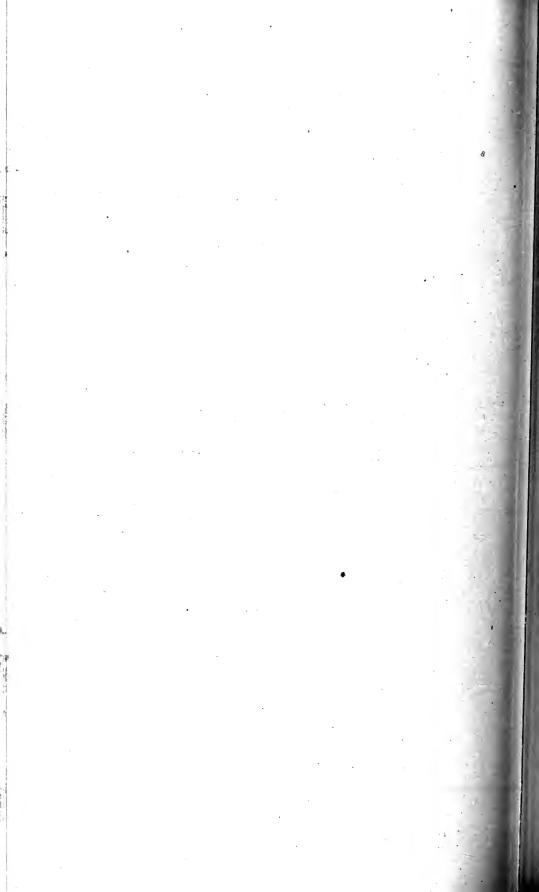
3rd Reading

MR. KELLEY

BILL

An Act to amend The Dentistry Act.

Mr. Kelley



No. 124

1947

BILL

An Act to amend The Dentistry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Dentistry Act is amended by adding thereto the Rev. Stat., following section:

 amended.
 - 13a.—(1) No person shall conduct any course for train-Approval for dental ing or imparting instruction in any branch of courses. dentistry or shall grant degrees in dentistry without the approval of the Lieutenant-Governor in Council upon the recommendation of the Minister of Health.
 - (2) Upon the recommendation of the Minister of Health Revocation the Lieutenant-Governor in Council may at any time revoke any approval given under this section.
- 2. This Act shall come into force on the 1st day of June, ment of Act. 1947.
- 3. This Act may be cited as The Dentistry Amendment Short title. Act, 1947.

1st Reading.
March 26th, 1947

2nd Reading March 28th, 1947

3rd Reading April 1st, 1947

Mr. Kelley

BILL

An Act to amend The Power Commission Act.

MR. DREW

EXPLANATORY NOTE

The amendment increases the membership of The Hydro-Electric Power Commission from three persons to "not more than nine persons". The provision that of the present Commission two may be members and one shall be a member of the Executive Council of Ontario is eliminated.

1947

BILL

An Act to amend The Power Commission Act.

- 1. Section 2 of *The Power Commission Act* is repealed and Rev. Stat., the following substituted therefor:

 Rev. Stat., c. 62, s. 2, re-enacted.
 - 2. The Commission shall, for the purposes herein men-Constitutioned, continue to be a body corporate and shall Commission. consist of not more than nine persons appointed by the Lieutenant-Governor in Council.
- 2. This Act shall come into force on a day to be named by Commence-the Lieutenant-Governor by his Proclamation.
- 3. This Act may be cited as The Power Commission Amend-Short title. ment Act, 1947.

Commission Act.

1st Reading March 26th, 1947

2nd Reading

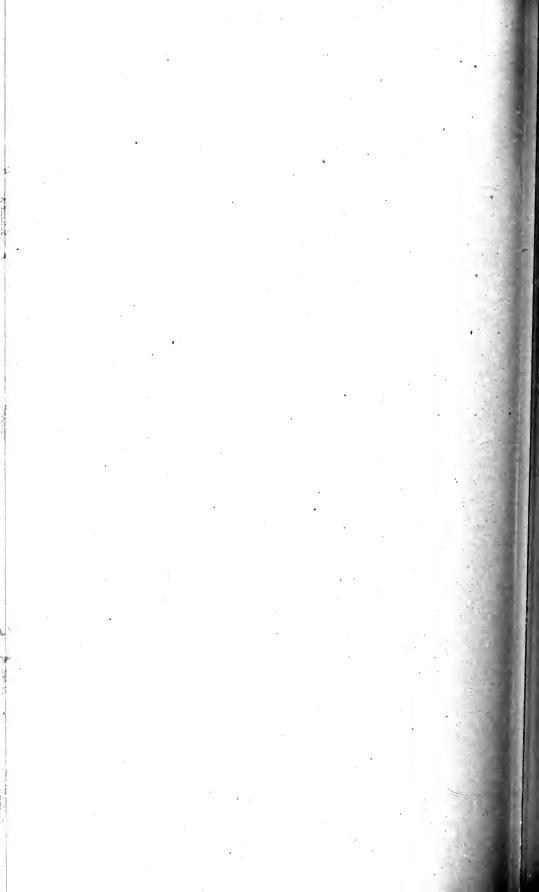
3rd Reading

Mr. Drew

BILL

An Act to amend The Power Commission Act.

Mr. Drew



1947

BILL

An Act to amend The Power Commission Act.

- 1. Section 2 of *The Power Commission Act* is repealed and Rev. Stat., the following substituted therefor:
 - 2. The Commission shall, for the purposes herein men-Constitutioned, continue to be a body corporate and shall Commission. consist of not more than nine persons appointed by the Lieutenant-Governor in Council.
- 2. This Act shall come into force on a day to be named by Commence-the Lieutenant-Governor by his Proclamation.
- 3. This Act may be cited as The Power Commission Amend-Short title. ment Act, 1947.

An Act to amend The Power Commission Act.

1st Reading March 26th, 1947

2nd Reading March 31st, 1947

3rd Reading April 2nd, 1947

Mr. Drew

BILL

An Act to amend The Administration of Justice Expenses Act.

MR. BLACKWELL

TORONTO
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EXPLANATORY NOTE

The fee payable under the subsection amended is brought into line with the scale of fees payable for similar services.

1947

BILL

An Act to amend The Administration of Justice Expenses Act.

- 1. Subsection 1 of section 11 of *The Administration of* Rev. Stat., *Justice Expenses Act* is amended by striking out the symbol subs. 1, and figure "\$4" in the fourth line and inserting in lieu thereof the symbol and figure "\$7", so that the said subsection shall now read as follows:
 - (1) Every local registrar, and deputy registrar, and every Fees for attending officer authorized to act as local registrar, or deputy sittings registrar, shall be entitled to be paid out of the Consolidated Revenue Fund, \$7 for each day's attendance at non-jury as well as at jury sittings.
- 2. This Act shall come into force on the 1st day of April, Commence-1947.
- 3. This Act may be cited as The Administration of Justice Short title. Expenses Amendment Act, 1947.

Justice Expenses Act.

1st Reading March 27th, 1947

2nd Reading

3rd Reading

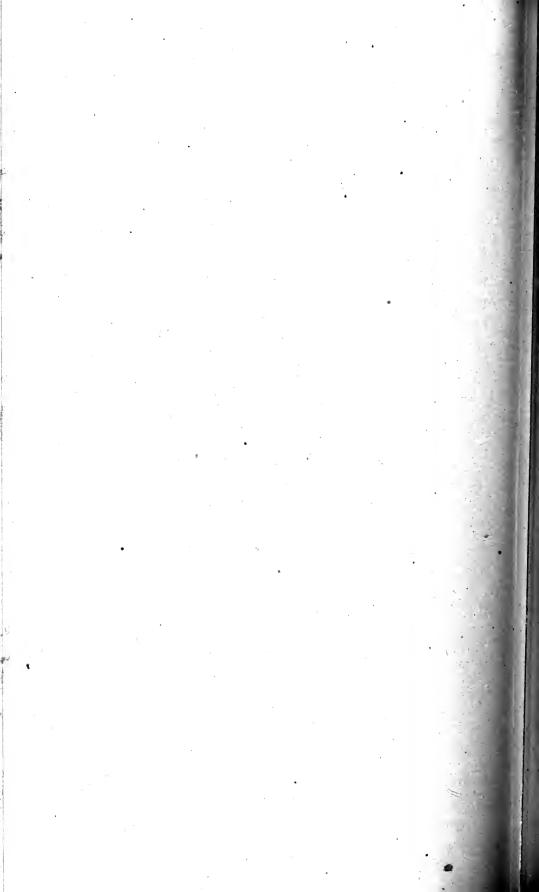
Mr. Blackwell

BILL

An Act to amend The Administration of Justice Expenses Act.

Mr. Blackwell

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BILL

1

An Act to amend The Administration of Justice Expenses Act.

- 1. Subsection 1 of section 11 of *The Administration of* Rev. Stat., *Justice Expenses Act* is amended by striking out the symbol subs. 1, and figure "\$4" in the fourth line and inserting in lieu thereof the symbol and figure "\$7", so that the said subsection shall now read as follows:
 - (1) Every local registrar, and deputy registrar, and every Fees for attending officer authorized to act as local registrar, or deputy sittings registrar, shall be entitled to be paid out of the Consolidated Revenue Fund, \$7 for each day's attendance at non-jury as well as at jury sittings.
- 2. This Act shall come into force on the 1st day of April, Commence-1947.
- 3. This Act may be cited as The Administration of Justice Short title. Expenses Amendment Act, 1947.

Justice Expenses Act.

1st Reading

March 27th, 1947

2nd Reading March 31st, 1947

3rd Reading April 2nd, 1947

Mr. Blackwell

BILL

An Act to amend The County Courts Act.

Mr. Blackwell

EXPLANATORY NOTE

The fee payable under the section amended is brought into line with the scale of fees payable for similar services.

1947

BILL

An Act to amend The County Courts Act.

- 1. Section 15 of *The County Courts Act* is amended by Rev. Stat., striking out the symbol and figure "\$4" in the second line amended. and inserting in lieu thereof the symbol and figure "\$7", so that the said section shall now read as follows:
 - 15. The clerk shall be entitled to be paid by the county Clerk's the sum of \$7 for each day's attendance at all sittings attendance. of the county court, both non-jury and jury.
- 2. This Act shall come into force on the 1st day of April, Commence-1947.
- 3. This Act may be cited as The County Courts Amendment Short title. Act, 1947.

An Act to amend The County

Courts Act.

1st Reading March 27th, 1947

2nd Reading

3rd Reading

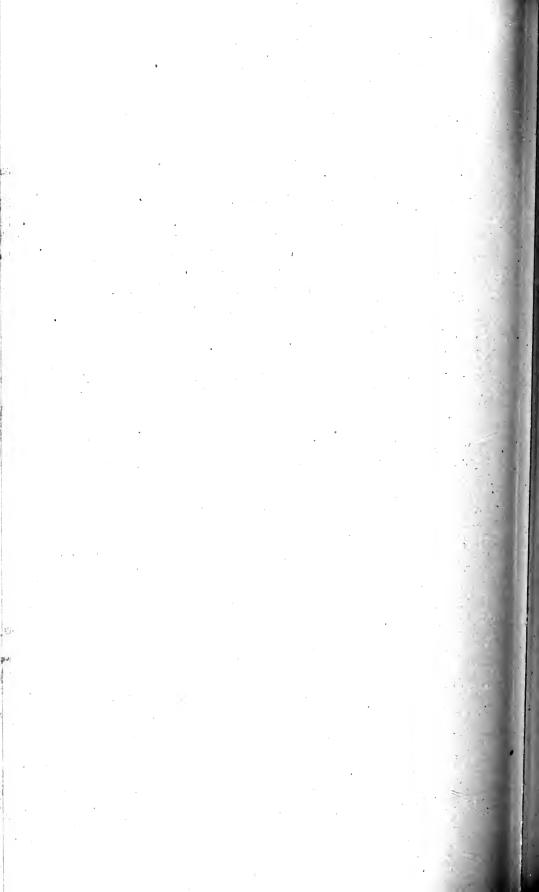
Mr. Blackwell

BILL

An Act to amend The County Courts Act.

Mr. Blackwell

TORONTO
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ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



1947

BILL

An Act to amend The County Courts Act.

- 1. Section 15 of *The County Courts Act* is amended by Rev. Stat., striking out the symbol and figure "\$4" in the second line amended. and inserting in lieu thereof the symbol and figure "\$7", so that the said section shall now read as follows:
 - 15. The clerk shall be entitled to be paid by the county Clerk's the sum of \$7 for each day's attendance at all sittings attendance. of the county court, both non-jury and jury.
- 2. This Act shall come into force on the 1st day of April, Commence-1947.
- 3. This Act may be cited as The County Courts Amendment Short title. Act, 1947.

Courts Act.

1st Reading March 27th, 1947

March 31st, 1947 2nd Reading

3rd Reading

April 2nd, 1947

Mr. Blackwell

BILL

An Act to amend The Rights of Labour Act, 1944.

Mr. Grummett

EXPLANATORY NOTE

The amendment is self-explanatory.

1947

BILL

An Act to amend The Rights of Labour Act, 1944.

- 1. The Rights of Labour Act, 1944, is amended by adding ^{1944, c. 54}, thereto the following section:
 - 3a. Notwithstanding anything contained in this Act or No appliance any other Act, no application for an injunction may injunction be made in any court in connection with a strike or without lockout or apprehended strike or lockout, except with the consent of the Ontario Labour Relations Board.
- 2. This Act may be cited as The Rights of Labour Amend-Short title. ment Act, 1947.

An Act to amend The Rights of Labour Act, 1944.

1st Reading March 27th, 1947

2nd Reading

3rd Reading

Mr. Grummett

BILL

An Act to amend The Mining Tax Act.

MR. FROST

EXPLANATORY NOTE

This Act increases the rate of tax imposed under *The Mining Tax Act* by three per cent of mining profits, except in the cases of new mines which become taxable at one-half the new rates. This Act also repeals the allowance of Dominion Income Tax as a deduction from mining profits subject to tax hereunder, and extends the operation of *The Mining Tax Act* to feldspar, nepheline-syenite, gypsum and quartzite in addition to those mines already taxed under *The Mining Tax Act*.

BILL

An Act to amend The Mining Tax Act.

- 1,—(1) Clause a of section 1 of The Mining Tax Act, as Rev. Stat., amended by section 1 of The Mining Tax Amendment Act, 1941, cl. a, is further amended by striking out the words "feldspar, amended nepheline-syenite, gypsum, quartzite" added by the amendment of 1941, so that the said clause shall now read as follows:
 - (a) "Mine" shall mean any opening in or working of the "Mine". ground from or by which metalliferous ore or other solid mineral substance is taken, and shall include the mining claim, mining location, or other the whole parcel of land or mineral in which any such workings are being or have been carried on, but the term "mineral substance" or "mineral workings" shall not include diatomaceous earth, limestone, marl, peat, clay, building stone or stone for ornamental or decorative purposes, or non-auriferous sand or gravel.
- (2) Clause cc of the said section 1, as enacted by section 1 Rev. Stat., of *The Mining Tax Amendment Act*, 1946, is repealed and the cl. cc (1946, c. 56, s. 1). re-enacted.
 - (cc) "Municipality" shall have the same meaning as in "Municipality".

 The Department of Municipal Affairs Act.

 Rev. Stat., c. 59.
- **2.**—(1) Clauses a and b of subsection 1 of section 4 of Rev. Stat., The Mining Tax Act are repealed and the following substituted su
 - (a) six per centum on the excess of annual profits above \$10,000 and up to \$1,000,000;
 - (b) eight per centum on the excess of annual profits above \$1,000,000 and up to \$5,000,000; and
 - (c) nine per centum on the excess of annual profits above \$5,000,000.

Rev. Stat., c. 28, s. 4, subs. 3, cl. j, repealed.

(2) Clause j of subsection 3 of the said section 4 is repealed.

Rev. Stat., c. 28, s. 4, amended. (3) The said section 4 is further amended by adding thereto the following subsection:

Deduction from tax.

- (4a) Where the Minister is satisfied that a mine operating on mineral deposits which are not bedded deposits came into production on a day during the period commencing on the 1st day of January, 1944, and ending on the 31st day of December, 1949, he may allow a deduction from the aggregate tax payable under subsection 3 of an amount not exceeding fifty per centum thereof, in respect of any period not exceeding the first three years after the day the mine came into production, provided that,—
 - (a) where he is satisfied that the day upon which a mine came into production is prior to the 1st day of January, 1947, he may allow such deduction only in respect of any period not exceeding that part of the first three years after the day the mine came into production which is subsequent to the 31st day of December, 1946; and
 - (b) with respect to the profits of the year during which the three-year period terminates, the deduction shall apply to that portion of the aggregate tax calculated on such profits under subsection 3, which the number of days from the 1st day of January of such year to the day which falls three years from the day the mine came into production, bears to the number three hundred and sixty-five.

1946, c. 56, s. 2, subss. 1, 3, repealed.

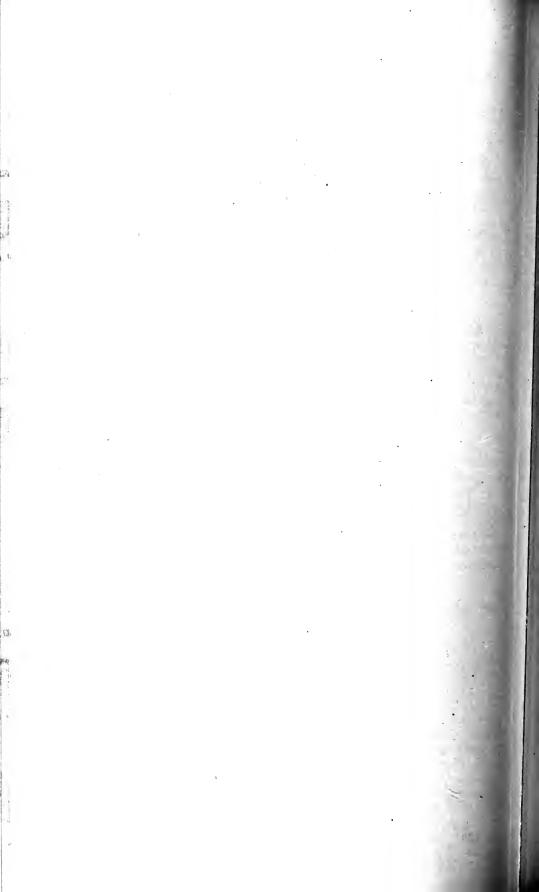
3. Subsections 1 and 3 of section 2 of The Mining Tax Amendment Act, 1946, are repealed.

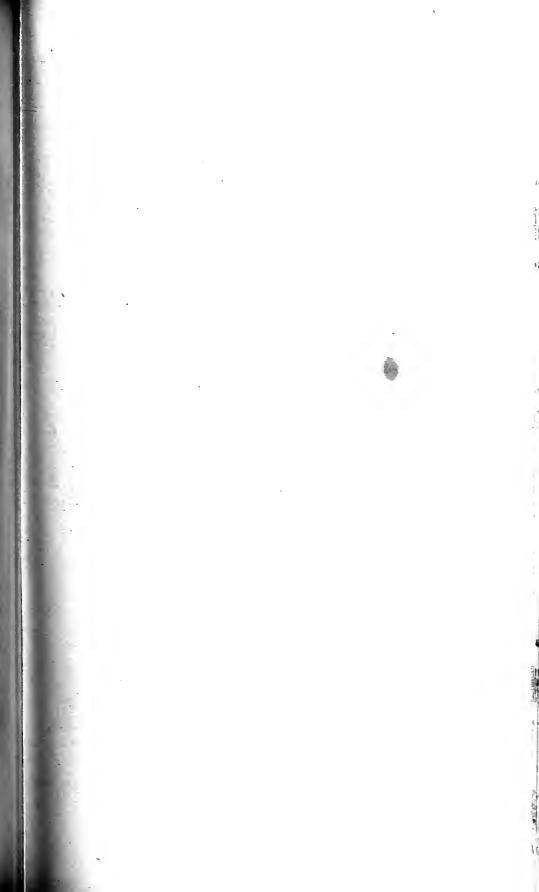
Commencement of Act **4.**—(1) This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1947.

Effect of s. 2.

(2) Section 2 shall be effective with respect to the profits of the calendar year 1946 and later calendar years, except that with respect to the profits of the calendar year 1946, a mine operated by a corporation, the fiscal year of which does not coincide with the calendar year and ends in the calendar year 1946, shall pay an amount of tax which shall be the total of taxes determined as follows:

- (a) a tax calculated at the rates and upon the profit applicable under section 4 of *The Mining Tax Act*, Rev. Stat., as though the amendments provided by this Act had not been made, such tax to be reduced by an amount equal to that proportion of the tax so calculated which the number of days of such fiscal year which are in the calendar year 1946 bear to the total number of days of such fiscal year; and
- (b) a tax calculated at the rates and upon the profit applicable under section 4 of *The Mining Tax Act*, as amended by this Act, such tax to be reduced by an amount equal to that proportion of the tax so calculated which the number of days of such fiscal year which are in the calendar year 1945 bear to the total number of days of such fiscal year.
- 5. This Act may be cited as The Mining Tax Amendment Short title. Act, 1947.





All Act to amount and manage

1st Reading March 27th, 1947

2nd Reading

3rd Reading

Mr. Frost

BILL

An Act to amend The Mining Tax Act.

Mr. Frost

TORONTO

PRINTED AND PUBLISHED BY H. E. BROWN ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 129

1947

BILL

An Act to amend The Mining Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause a of section 1 of The Mining Tax Act, as Rev. Stat., amended by section 1 of The Mining Tax Amendment Act, 1941, cl. a, is further amended by striking out the words "feldspar, amended nepheline-syenite, gypsum, quartzite" added by the amendment of 1941, so that the said clause shall now read as follows:
 - (a) "Mine" shall mean any opening in or working of the "Mine". ground from or by which metalliferous ore or other solid mineral substance is taken, and shall include the mining claim, mining location, or other the whole parcel of land or mineral in which any such workings are being or have been carried on, but the term "mineral substance" or "mineral workings" shall not include diatomaceous earth, limestone, marl, peat, clay, building stone or stone for ornamental or decorative purposes, or non-auriferous sand or gravel.
- (2) Clause cc of the said section 1, as enacted by section 1 Rev. Stat., of *The Mining Tax Amendment Act*, 1946, is repealed and the cl. cc (1946, following substituted therefor:

 (1946, c. 56, s. 1), re-enacted.
 - (cc) "Municipality" shall have the same meaning as in "Municipality".

 The Department of Municipal Affairs Act.

 Rev. Stat., c. 59.
- 2.—(1) Clauses a and b of subsection 1 of section 4 of Rev. Stat., The Mining Tax Act are repealed and the following substituted subs. 1, cls. a, b, re-enacted.
 - (a) six per centum on the excess of annual profits above \$10,000 and up to \$1,000,000;
 - (b) eight per centum on the excess of annual profits above \$1,000,000 and up to \$5,000,000; and
 - (c) nine per centum on the excess of annual profits above \$5,000,000.

Rev. Stat., c. 28, s. 4, subs. 3, cl. j, repealed.

Rev. Stat., c. 28, s. 4, amended.

- (2) Clause j of subsection 3 of the said section 4 is repealed.
- (3) The said section 4 is further amended by adding thereto the following subsection:

Deduction from tax.

- (4a) Where the Minister is satisfied that a mine operating on mineral deposits which are not bedded deposits came into production on a day during the period commencing on the 1st day of January, 1944, and ending on the 31st day of December, 1949, he may allow a deduction from the aggregate tax payable under subsection 3 of an amount not exceeding fifty per centum thereof, in respect of any period not exceeding the first three years after the day the mine came into production, provided that,—
 - (a) where he is satisfied that the day upon which a mine came into production is prior to the 1st day of January, 1947, he may allow such deduction only in respect of any period not exceeding that part of the first three years after the day the mine came into production which is subsequent to the 31st day of December, 1946; and
 - (b) with respect to the profits of the year during which the three-year period terminates, the deduction shall apply to that portion of the aggregate tax calculated on such profits under subsection 3, which the number of days from the 1st day of January of such year to the day which falls three years from the day the mine came into production, bears to the number three hundred and sixty-five.

1946, c. 56, s. 2, subss. 1, 3, repealed.

3. Subsections 1 and 3 of section 2 of The Mining Tax Amendment Act, 1946, are repealed.

Commencement of Act.

4.—(1) This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1947.

Effect of s. 2.

(2) Section 2 shall be effective with respect to the profits of the calendar year 1946 and later calendar years, except that with respect to the profits of the calendar year 1946, a mine operated by a corporation, the fiscal year of which does not coincide with the calendar year and ends in the calendar year 1946, shall pay an amount of tax which shall be the total of taxes determined as follows:

- (a) a tax calculated at the rates and upon the profit applicable under section 4 of *The Mining Tax Act*, Rev. Stat., as though the amendments provided by this Act had not been made, such tax to be reduced by an amount equal to that proportion of the tax so calculated which the number of days of such fiscal year which are in the calendar year 1946 bear to the total number of days of such fiscal year; and
- (b) a tax calculated at the rates and upon the profit applicable under section 4 of *The Mining Tax Act*, as amended by this Act, such tax to be reduced by an amount equal to that proportion of the tax so calculated which the number of days of such fiscal year which are in the calendar year 1945 bear to the total number of days of such fiscal year.
- 5. This Act may be cited as The Mining Tax Amendment Short title. Act, 1947.





An Act to amend The Mining Tax Act.

March 27th, 1947 1st Reading

March 31st, 1947 2nd Reading

April 2nd, 1947 3rd Reading

Mr. Frost

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Corporations Tax Act, 1939.

Mr. Frost

TORONTO

EXPLANATORY NOTES

Section 1. Exempts the total capital of mining companies invested in the mining and refinement of ore.

Section 2. Reduces the place of business tax of mining companies which do not make a profit under *The Mining Tax Act* to \$20.

No. 130

1947

BILL

An Act to amend The Corporations Tax Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses d and e of subsection 4 of section 10 of The Cor-1939, c. 10, subs. 4. porations Tax Act, 1939, are repealed and the following sub-cl. d, restituted therefor:

- (d) In the case of an incorporated company engaged in Capital held mining, the amount which equals that proportion of mill. the paid-up capital remaining after the deduction of the exemptions provided by clauses a, b and c which the total of.
 - the amount held or used in the survey for exploration and development of gold, silver, copper, nickel, iron or other precious or semiprecious metals,
 - (ii) the amount invested in the mine as defined by The Mining Tax Act,

 Rev. Stat., c. 28.
 - (iii) the amount invested in the plant and works necessary to and forming part of such mine, and
 - (iv) the amount invested in the plant and works necessary for the refinement of the ore taken from the mine,

bears to the total assets remaining after the deduction of the exemptions provided by clauses a, b and c.

2. Clause a of subsection 7 of section 12 of *The Corpora*-1939, c. 10, tions Tax Act, 1939, is amended by striking out the words 5, 12, subs. "which has not during its fiscal year developed its properties amended by any surface trenching, stripping, blasting of outcrops, diamond drilling or similar work or underground development work" in the first, second, third, fourth and fifth lines and

inserting in lieu thereof the words "the profits of which during the fiscal year are insufficient to be assessed for a tax under The Mining Tax Act", so that the said clause shall now read as follows:

Rev. Stat., c. 28.

(a) Any incorporated company engaged in mining the profits of which during the fiscal year are insufficient to be assessed for a tax under The Mining Tax Act and which does not hold as assets investments in the shares, bonds, and obligations of other incorporated companies and governments, municipal and school corporations having a cost value of more than \$40,000.

1939, c. 10, 8. 14. subs 1, amended.

3.—(1) Subsection 1 of section 14 of The Corporations Tax Act, 1939, is amended by striking out the word "two" in the sixth line and inserting in lieu thereof the word "seven", so that the said subsection shall now read as follows:

Tax on net income

(1) In addition to the taxes imposed in sections 10 and 12, and save as in this section otherwise provided. every incorporated company which has its head or other office in Ontario, or which holds assets in Ontario, or which transacts business in Ontario. shall for every fiscal year of such company pay a tax of seven per centum calculated upon the net income of the incorporated company.

1939, c. 10,

(2) Clause a of subsection 4 of the said section 14 is amended 6.14, subs. 4.

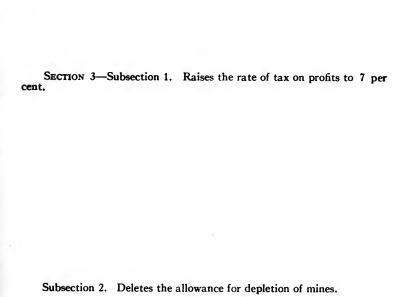
cl. a, amend-by striking out the words "from mining and" in the third and fourth lines and the word "mines" where it occurs in the sixth and seventh lines respectively, so that the said clause shall now read as follows:

Depreciation and exhaustion.

Depletion between lessor and (a) Such reasonable amount as the Treasurer, in his discretion, may allow for depreciation, and the Treasurer in determining the income derived from oil and gas wells and timber limits shall make such an lowance for the exhaustion of the wells and timber limits as he may deem just and fair; and in the case of leases of oil and gas wells and timber limits, the lessor and lessee shall each be entitled to deduct a part of the allowance for exhaustion as they agree and in case the lessor and the lessee do not agree, the Treasurer may apportion the deduction between them and his determination shall be final.

1939, c. 10, s. 14, subs. 4, cls. e, f, re-enacted.

(3) Clause e, as amended by subsection 3 of section 5 of The Corporations Tax Amendment Act, 1941, and clause f of subsection 4 of section 14 of The Corporations Tax Act, 1939, are repealed and the following substituted therefor:



Subsection 3. Exempts dividends from other incorporated companies and the income of investment trusts from tax on profits.

Subsection 4. Exempts from tax on profits the profits assessed for tax under *The Mining Tax Act*.

- (e) Dividends received by an incorporated company from Dividends.

 another incorporated company;
 - (f) The income of an incorporated company,

Investment companies.

- (i) the paid-up capital of which throughout the fiscal year is, to the extent of eighty per centum or more, invested in stocks, bonds or securities or held in cash,
- (ii) the gross income of which during the fiscal year is, to the extent of not less than ninetyfive per centum, derived from investments mentioned in sub-clause i,
- (iii) the paid-up capital of which is, to the extent of not more than ten per centum thereof, invested in the stocks, bonds or securities of any one corporation or debtor other than His Majesty in right of Canada or of any province or of a Canadian municipality,
- (iv) the shares of which are, throughout the fiscal year, held by persons numbering fifty or more of whom none holds more than twenty-five per centum of the whole capital stock of the incorporated company,
- (v) the net income of which during each fiscal year, excluding dividends received in stock or specie other than cash or interest received otherwise than in cash, has been distributed to the shareholders within one hundred and twenty days after the close of the fiscal year to the extent of eighty-five per centum or more, and
- (vi) which has, throughout the fiscal year, no outstanding bonds, debentures or other securities evidencing funded indebtedness.
- (4) Subsection 4 of the said section 14, as amended by 1939, c. 10, section 1 of The Corporations Tax Amendment Act, 1939, and amended. subsection 3 of section 5 of The Corporations Tax Amendment Act, 1941, is further amended by adding thereto the following clause:
 - (i) The amount of the income earned during the fiscal year by an incorporated company engaged in mining which is equal to the amount of mining profits earned during such fiscal year for which such company is assessed for a tax under section 4 of The Mining Tax Rev. Stat., Act; provided that if such fiscal year does not coin-c. 28.

cide with the calendar year during which the profits assessed under *The Mining Tax Act* are earned, such amount shall be the total of.

- (i) the amount of mining profits earned during the calendar year which ends during such fiscal year for which such company is assessed for a tax under section 4 of *The Mining Tax Act*, and
- (ii) the amount of mining profits earned during the period commencing on the 1st day of January following the close of such calendar year and ending on the last day of such fiscal year for which such company will be assessable for a tax under section 4 of *The Mining Tax Act*,

reduced by,

(iii) the amount of mining profits earned during the period commencing on the 1st day of January of the calendar year which ends within such fiscal year and ending on the last day of the fiscal year previous to such fiscal year for which such company is assessed for a tax under section 4 of *The Mining Tax Act*.

1939, c. 10, s. 15, amended. 4. Section 15 of *The Corporations Tax Act, 1939*, is amended by striking out the word "two" in the fourth line and inserting in lieu thereof the word "seven", so that the said section shall now read as follows:

Railway hotels,—tax on income.

15. In addition to the taxes imposed by sections 5, 11 and 13 any incorporated company owning, operating or using a railway which also owns, operates or uses an hotel or hotels in Ontario shall pay a tax of seven per centum calculated on the net income derived from the operation of such hotel or hotels and net income for the purposes of this section shall be determined in the manner provided by subsections 2, 4 and 5 of section 14 in so far as the definition of net income therein applies to the income from the operation of hotels in Ontario.

1939, c. 10, s. 17, subs. 1, amended.

5. Subsection 1 of section 17 of *The Corporations Tax Act*, 1939, is amended by striking out the word "four" in the third line and inserting in lieu thereof the word "six", so that the said subsection shall now read as follows:

Company to file annual return.

(1) Every company on which a tax is imposed by this Act shall on or before the last day of the month

Section 4. Increases the rate of tax on the profits of hotels operated by railway companies to 7 per cent. Section 5. Extends the time for filing returns under *The Corporations Tax Act* from four to six months after the close of the fiscal year for which the return is filed. Section 6.* Closes in the time for the payment of the tax so that companies will pay taxes, 50 per cent on the close of the fiscal year for which the tax is imposed, and 50 per cent within $2\frac{1}{2}$ months thereafter.

which ends six months following the close of the fiscal year of such company, without notice or demand, and every company on which a tax is or is not imposed by this Act shall upon receipt of a notice or demand in writing from the Treasurer or from any officer of the Treasury Department of Ontario authorized by the Treasurer to make such demand, deliver to the Treasurer such return as the Lieutenant-Governor in Council may prescribe for the purposes of carrying out the provisions of this Act.

- 6. Section 20 of The Corporations Tax Act, 1939, is repealed \$1939. c. 10. and the following substituted therefor:
 - 20.—(1) The taxes imposed by this Act shall be deemed Taxes to be due on the last day of the fiscal year of the accrue. company for which such taxes are imposed.
 - (2) Every company on which a tax is imposed by this payment. Act shall pay,—
 - (a) not later than the close of the fiscal year in respect of which the tax is payable, an amount equal to one-half of the tax as estimated by it on its income or other subject for the last preceding fiscal year or for the fiscal year in respect of which the tax is payable, at the rates applicable for such last-mentioned fiscal year;
 - (b) not later than the 15th day of the third month following the month in which the fiscal year in respect of which the tax is payable closed, an amount equal to the balance of the tax as so estimated; and
 - (c) at the time of making the return, as required by subsection 1 of section 17, the balance, if any, of the tax payable, as estimated by the company in the return.
 - (3) Where a company pays less than the amount required Where payto be paid under this section the company shall pay than amount interest upon the amount of the deficiency,—
 - (a) at the rate of four per centum per annum from the date upon which the amount was payable until the date of payment thereof or until the date on or before which the return is by subsection 1 of section 17 required to be delivered, whichever is the earlier; and

(b) where payment of the amount of the deficiency is made after the date on or before which the return is required to be delivered, at the rate of seven per centum per annum from such date until the date of payment.

1939, c. 10. 8. 21, subs. 10, amended. Act, 1939, is amended by striking out the word "five" in the eighth line and inserting in lieu thereof the word "four", so that the said subsection shall now read as follows:

Notice of

(10) After examination of the return of the company, the Treasurer shall send a notice of assessment to such company verifying or altering the amount of tax as estimated in the return of the company and any additional tax found to be due over the estimated amount shall be paid within one month from the date of mailing of the notice of assessment, and subject to the provisions of section 20, such additional tax shall bear interest at the rate of four per centum per annum calculated from the last day prescribed for making such return to the date of payment.

1939, c. 10. s. 21, subs. 11, re-enact- following substituted therefor:

Penalty for non-payment of additional tax.

(11) If any company fails to pay such additional tax and interest within one month after the date of the mailing of the notice of assessment, the company shall pay, in addition to the interest provided by subsection 10, interest at the rate of three per centum per annum upon the additional tax calculated from the expiry of the period of one month after the date of the mailing of the notice of assessment to the date of payment; provided that no interest shall be payable under section 20 or 21 upon unpaid taxes in respect of the period commencing twenty months after the date on or before which the company's return is by subsection 1 of section 17 required to be filed and ending one month after the date of mailing the notice of assessment.

Application of 1940, c. 6, s. 1.

8. The provisions of section 1 of *The Corporations Tax* Amendment Act, 1940, shall apply to companies in respect of all fiscal years ending in 1947 and subsequent fiscal years.

Application of this Act.

9. Notwithstanding the provisions of section 20 of *The Corporations Tax Act*, 1939, as enacted by section 6, the taxes imposed by *The Corporations Tax Act*, 1939, as amended by this Act, shall, for the fiscal year of any company which ended on or after the 1st day of January, 1947, and up to and in-

Section 7. Lowers the rate of interest on unpaid taxes from 5 per cent to 4 per cent and exempts from interest unpaid taxes that remain unassessed for a period commencing twenty months after the date the return of the company is due to be filed and ending one month after the mailing of the notice of assessment.

SECTION 8. Continues the imposition of a surtax of 25 per cent on certain classes of companies which are exempt from tax on income as it applied in the years 1940 and 1941.



cluding the 30th day of April, 1947, be payable as though such fiscal years ended on the 31st day of May, 1947, and subsections 10 and 11 of section 21 of *The Corporations Tax Act, 1939*, as amended by section 7, shall, with respect to the payment of the taxes imposed for fiscal years which ended on and between such dates and interest thereon, apply as though the 31st day of May, 1947, were the close of each of such fiscal years.

- 10. This Act shall come into force on the day upon which Commenceit receives the Royal Assent and shall be effective for fiscal years of companies ending in the calendar year 1947 and subsequent fiscal years.
- 11. This Act may be cited as The Corporations Tax Amend-Short title. ment Act, 1947.

BILL

An Act to amend The Corporations Tax Act, 1939.

1st Reading March 27th, 1947

2nd Reading

3rd Reading

Mr. Frost

1947

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Corporations Tax Act, 1939.

MR. FROST

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
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No. 130

1947

BILL

An Act to amend The Corporations Tax Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Clauses d and e of subsection 4 of section 10 of The Cor-1939, c. 10, subs. 4. porations Tax Act, 1939, are repealed and the following sub-cl. d, restituted therefor:
 - (d) In the case of an incorporated company engaged in Capital held mining, the amount which equals that proportion of mill. the paid-up capital remaining after the deduction of the exemptions provided by clauses a, b and c which the total of,
 - (i) the amount held or used in the survey for exploration and development of gold, silver, copper, nickel, iron or other precious or semiprecious metals,
 - (ii) the amount invested in the mine as defined by *The Mining Tax Act*,

 Rev. Stat., c. 28.
 - (iii) the amount invested in the plant and works necessary to and forming part of such mine, and
 - (iv) the amount invested in the plant and works necessary for the refinement of the ore taken from the mine,

bears to the total assets remaining after the deduction of the exemptions provided by clauses a, b and c.

2. Clause a of subsection 7 of section 12 of The Corpora-1939, c. 10, tions Tax Act, 1939, is amended by striking out the words 7, cl. a, "which has not during its fiscal year developed its properties amended. by any surface trenching, stripping, blasting of outcrops, diamond drilling or similar work or underground development work" in the first, second, third, fourth and fifth lines and

inserting in lieu thereof the words "the profits of which during the fiscal year are insufficient to be assessed for a tax under The Mining Tax Act", so that the said clause shall now read as follows:

Rev. Stat., c. 28.

(a) Any incorporated company engaged in mining the profits of which during the fiscal year are insufficient to be assessed for a tax under The Mining Tax Act and which does not hold as assets investments in the shares, bonds, and obligations of other incorporated companies and governments, municipal and school corporations having a cost value of more than \$40,000.

1939, c. 10, s. 14, subs. 1, amended.

3.—(1) Subsection 1 of section 14 of The Corporations Tax Act, 1939, is amended by striking out the word "two" in the sixth line and inserting in lieu thereof the word "seven", so that the said subsection shall now read as follows:

Tax on net income.

(1) In addition to the taxes imposed in sections 10 and 12, and save as in this section otherwise provided, every incorporated company which has its head or other office in Ontario, or which holds assets in Ontario, or which transacts business in Ontario, shall for every fiscal year of such company pay a tax of seven per centum calculated upon the net income of the incorporated company.

1939, c. 10,

(2) Clause a of subsection 4 of the said section 14 is amended cl. a, amend-by striking out the words "from mining and" in the third and fourth lines and the word "mines" where it occurs in the sixth and seventh lines respectively, so that the said clause shall now read as follows:

Depreciation and exhaustion.

- Depletion between lessor and lessee.
- (a) Such reasonable amount as the Treasurer, in his discretion, may allow for depreciation, and the Treasurer in determining the income derived from oil and gas wells and timber limits shall make such an allowance for the exhaustion of the wells and timber limits as he may deem just and fair; and in the case of leases of oil and gas wells and timber limits, the lessor and lessee shall each be entitled to deduct a part of the allowance for exhaustion as they agree and in case the lessor and the lessee do not agree, the Treasurer may apportion the deduction between them and his determination shall be final.

1939, c. 10, s. 14, subs. 4, cls. e, f, re-enacted.

(3) Clause e, as amended by subsection 3 of section 5 of The Corporations Tax Amendment Act, 1941, and clause f of subsection 4 of the said section 14 are repealed and the following substituted therefor:

- (e) Dividends received by an incorporated company from Dividends. another incorporated company;
- (f) The income of an incorporated company,

Investment companies.

- (i) the paid-up capital of which throughout the fiscal year is, to the extent of eighty per centum or more, invested in stocks, bonds or securities or held in cash,
- (ii) the gross income of which during the fiscal year is, to the extent of not less than ninetyfive per centum, derived from investments mentioned in sub-clause i,
- (iii) the paid-up capital of which is, to the extent of not more than ten per centum thereof, invested in the stocks, bonds or securities of any one corporation or debtor other than His Majesty in right of Canada or of any province or of a Canadian municipality,
- (iv) the shares of which are, throughout the fiscal year, held by persons numbering fifty or more of whom none holds more than twenty-five per centum of the whole capital stock of the incorporated company,
- (v) the net income of which during each fiscal year, excluding dividends received in stock or specie other than cash or interest received otherwise than in cash, has been distributed to the shareholders within one hundred and twenty days after the close of the fiscal year to the extent of eighty-five per centum or more, and
- (vi) which has, throughout the fiscal year, no outstanding bonds, debentures or other securities evidencing funded indebtedness.
- (4) Subsection 4 of the said section 14, as amended by 1939, c. 10, section 1 of The Corporations Tax Amendment Act, 1939, and amended. subsection 3 of section 5 of The Corporations Tax Amendment Act, 1941, is further amended by adding thereto the following clause:
 - (i) The amount of the income earned during the fiscal year by an incorporated company engaged in mining which is equal to the amount of mining profits earned during such fiscal year for which such company is assessed for a tax under section 4 of The Mining Tax Rev. Stat., Act; provided that if such fiscal year does not coin-

cide with the calendar year during which the profits assessed under *The Mining Tax Act* are earned, such amount shall be the total of.

- (i) the amount of mining profits earned during the calendar year which ends during such fiscal year for which such company is assessed for a tax under section 4 of *The Mining Tax Act*, and
- (ii) the amount of mining profits earned during the period commencing on the 1st day of January following the close of such calendar year and ending on the last day of such fiscal year for which such company will be assessable for a tax under section 4 of *The Mining* Tax Act,

reduced by,

(iii) the amount of mining profits earned during the period commencing on the 1st day of January of the calendar year which ends within such fiscal year and ending on the last day of the fiscal year previous to such fiscal year for which such company is assessed for a tax under section 4 of *The Mining Tax Act*.

1939, o. 10, s. 15, amended. 4. Section 15 of *The Corporations Tax Act, 1939*, is amended by striking out the word "two" in the fourth line and inserting in lieu thereof the word "seven", so that the said section shall now read as follows:

Railway hotels,—tax on income.

15. In addition to the taxes imposed by sections 5, 11 and 13 any incorporated company owning, operating or using a railway which also owns, operates or uses an hotel or hotels in Ontario shall pay a tax of seven per centum calculated on the net income derived from the operation of such hotel or hotels and net income for the purposes of this section shall be determined in the manner provided by subsections 2, 4 and 5 of section 14 in so far as the definition of net income therein applies to the income from the operation of hotels in Ontario.

1939, c. 10, s. 17, subs. 1, amended.

5. Subsection 1 of section 17 of *The Corporations Tax Act*, 1939, is amended by striking out the word "four" in the third line and inserting in lieu thereof the word "six", so that the said subsection shall now read as follows:

Company to file annual return.

(1) Every company on which a tax is imposed by this Act shall on or before the last day of the month

which ends six months following the close of the fiscal year of such company, without notice or demand, and every company on which a tax is or is not imposed by this Act shall upon receipt of a notice or demand in writing from the Treasurer or from any officer of the Treasury Department of Ontario authorized by the Treasurer to make such demand, deliver to the Treasurer such return as the Lieutenant-Governor in Council may prescribe for the purposes of carrying out the provisions of this Act.

- 6. Section 20 of The Corporations Tax Act, 1939, is repealed \$1939.c. 10.

 and the following substituted therefor:

 enacted.
 - 20.—(1) The taxes imposed by this Act shall be deemed Taxes.—
 to be due on the last day of the fiscal year of the accrue.
 company for which such taxes are imposed.
 - (2) Every company on which a tax is imposed by this payment. Act shall pay,—
 - (a) not later than the close of the fiscal year in respect of which the tax is payable, an amount equal to one-half of the tax as estimated by it on its income or other subject for the last preceding fiscal year or for the fiscal year in respect of which the tax is payable, at the rates applicable for such last-mentioned fiscal year:
 - (b) not later than the 15th day of the third month following the month in which the fiscal year in respect of which the tax is payable closed, an amount equal to the balance of the tax as so estimated; and
 - (c) at the time of making the return, as required by subsection 1 of section 17, the balance, if any, of the tax payable, as estimated by the company in the return.
 - (3) Where a company pays less than the amount required Where payto be paid under this section the company shall pay than amount interest upon the amount of the deficiency,—
 - (a) at the rate of four per centum per annum from the date upon which the amount was payable until the date of payment thereof or until the date on or before which the return is by subsection 1 of section 17 required to be delivered, whichever is the earlier; and

(b) where payment of the amount of the deficiency is made after the date on or before which the return is required to be delivered, at the rate of seven per centum per annum from such date until the date of payment.

1939, c. 10, s. 21, subs.
10. amended. Act, 1939, is amended by striking out the word "five" in the eighth line and inserting in lieu thereof the word "four", so that the said subsection shall now read as follows:

Notice of assessment.

(10) After examination of the return of the company, the Treasurer shall send a notice of assessment to such company verifying or altering the amount of tax as estimated in the return of the company and any additional tax found to be due over the estimated amount shall be paid within one month from the date of mailing of the notice of assessment, and subject to the provisions of section 20, such additional tax shall bear interest at the rate of four per centum per annum calculated from the last day prescribed for making such return to the date of payment.

1939, c. 10, s. 21, subs. (2) Subsection 11 of the said section 21 is repealed and the 11, re-enact-following substituted therefor:

Penalty for non-payment of additional tax. (11) If any company fails to pay such additional tax and interest within one month after the date of the mailing of the notice of assessment, the company shall pay, in addition to the interest provided by subsection 10, interest at the rate of three per centum per annum upon the additional tax calculated from the expiry of the period of one month after the date of the mailing of the notice of assessment to the date of payment; provided that no interest shall be payable under section 20 or 21 upon unpaid taxes in respect of the period commencing twenty months after the date on or before which the company's return is by subsection 1 of section 17 required to be filed and ending one month after the date of mailing the notice of assessment.

Application of 1940, c. 6, s. 1.

8. The provisions of section 1 of *The Corporations Tax* Amendment Act, 1940, shall apply to companies in respect of all fiscal years ending in 1947 and subsequent fiscal years.

Application of this Act.

9. Notwithstanding the provisions of section 20 of *The Corporations Tax Act*, 1939, as re-enacted by section 6, the taxes imposed by *The Corporations Tax Act*, 1939, as amended by this Act, shall, for the fiscal year of any company which ended on or after the 1st day of January, 1947, and up to and in-

cluding the 30th day of April, 1947, be payable as though such fiscal years ended on the 31st day of May, 1947, and subsections 10 and 11 of section 21 of *The Corporations Tax Act*, 1939, as amended by section 7, shall, with respect to the payment of the taxes imposed for fiscal years which ended on and between such dates and interest thereon, apply as though the 31st day of May, 1947, were the close of each of such fiscal years.

- 10. This Act shall come into force on the day upon which Commence-it receives the Royal Assent and shall be effective for fiscal years of companies ending in the calendar year 1947 and subsequent fiscal years.
- 11. This Act may be cited as The Corporations Tax Amend-Short title. ment Act, 1947.





An Act to amend The Corporations Tax Act, 1939.

1st Reading March 27th, 1947

2nd Reading March 31st, 1947

3rd Reading

April 2nd, 1947

Mr. Frost

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to suspend The Income Tax Act (Ontario).

Mr. Frost

TORONTO PRINTED AND PUBLISHED BY H. E. BROWN ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The Bill suspends the operation of *The Income Tax Act* with respect to incomes for the calendar year 1947.

No. 131 1947

BILL

An Act to suspend The Income Tax Act (Ontario).

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Notwithstanding any of the provisions of The In-Personal income tax come Tax Act (Ontario) and amendments, no tax shall be suspended. levied under the said Act on income of the calendar year Rev. Stat., nineteen hundred and forty-seven and no person shall be required, without a notice or demand in writing from the Comptroller of Revenue or the Commissioner of Income Tax of Canada, or an officer of the Government of Canada on behalf of the Government of Ontario or an officer of the Government of Ontario authorized to make such demand, to file returns under the said Act of income earned during the calendar year nineteen hundred and forty-seven, but nothing herein contained shall affect any of the provisions of the said Act with respect to the income of any person earned prior to the calendar year nineteen hundred and forty-one.
- (2) The provisions of section 33 of *The Income Tax Act* Returns (Ontario) requiring any person to deliver a return upon notice Rev. Stat.. or demand in writing, and the provisions of sections 41, 42, 43, 44 and 45 of the said Act shall remain in full force and effect notwithstanding this Act.
- 2. This Act shall come into force on the day upon which it Commencereceives the Royal Assent.
- 3. This Act may be cited as The Income Tax Suspension Short title. Act, 1947.

(Ontario)

1st Reading March 27th, 1947

2nd Reading

3rd Reading

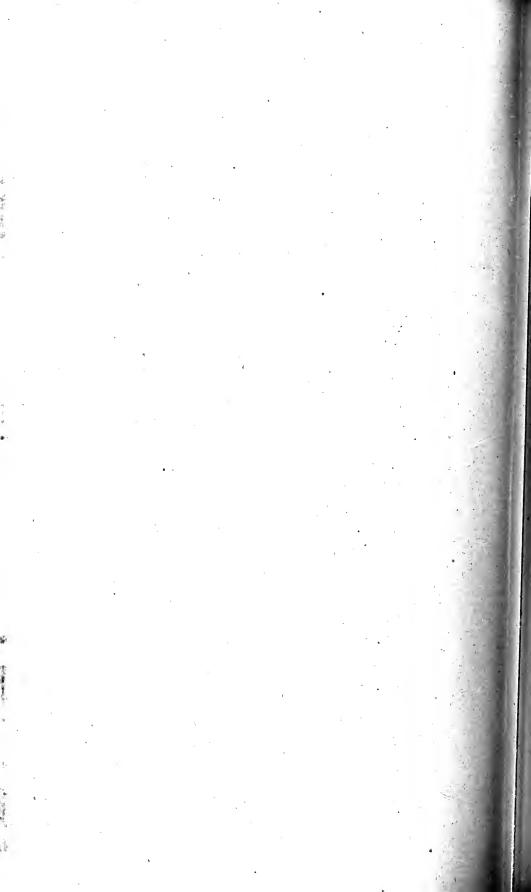
3rd Session, 22nd Legișlature, Ontario 11 George VI, 1947

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- (2) The provisions of section 33 of *The Income Tax Act* Returns (Ontario) requiring any person to deliver a return upon notice Rev. Stat., or demand in writing, and the provisions of sections 41, 42, 43, 44 and 45 of the said Act shall remain in full force and effect notwithstanding this Act.
- 2. This Act shall come into force on the day upon which it Commencereceives the Royal Assent.
- 3. This Act may be cited as The Income Tax Suspension Short title. Act, 1947.

An Act to suspend the income tax (Ontario)

1st Reading March 27th, 1947

2nd Reading March 31st, 1947

3rd Reading April 2nd, 1947

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Race Tracks Tax Act, 1939.

EXPLANATORY NOTE

The amendment made by section 1 gives the Lieutenant-Governor in Council power to make regulations authorizing the payment of remuneration to the persons collecting the tax and fixing the amount of the remuneration.

No. 132

1947 BILL

An Act to amend The Race Tracks Tax Act, 1939.

TIS MAJESTY, by and with the advice and consent of **1** the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause c of section 8 of The Race Tracks Tax Act, 1939, c. 29, 1939, is amended by striking out the word "and" at the end amended. thereof.
- (2) The said section 8 is further amended by adding thereto 1939. the following clause:
 - (cc) authorizing the payment of remuneration to persons charged with the collection of the tax and prescribing the amount thereof; and
- 2.—(1) All taxes heretofore collected are ratified and con-Confirmafirmed.
- (2) All remuneration heretofore paid to persons charged Idem. with the collection of the tax is ratified and confirmed.
- 3. This Act shall come into force on the day upon which Commencement of Act. it receives the Royal Assent.
- 4. This Act may be cited as The Race Tracks Tax Amend-Short title. ment Act, 1947.

An Act to amend The Race Tracks Tax Act, 1939.

1st Reading March 27th, 1947

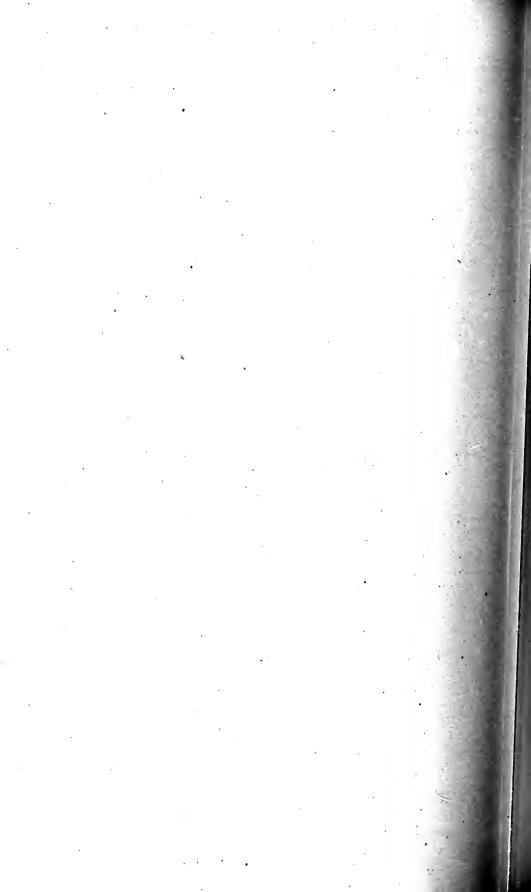
2nd Reading

3rd Reading

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Race Tracks Tax Act, 1939.



No. 132

1947

BILL

An Act to amend The Race Tracks Tax Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause c of section 8 of *The Race Tracks Tax Act*, 1939, c. 39. 1939, is amended by striking out the word "and" at the end amended thereof.
- (2) The said section 8 is further amended by adding thereto 1939. the following clause: c. 39, s. 8, amended.
 - .. (a) authorizing the payment of remuneration to persons , charged with the collection of the tax and prescribing the amount thereof; and
- 2.—(1) All taxes heretofore collected are ratified and con-Confirmation.
- (2) All remuneration heretofore paid to persons charged Idem. with the collection of the tax is ratified and confirmed.
- **3.** This Act shall come into force on the day upon which Commenceit receives the Royal Assent.
- 4. This Act may be cited as The Race Tracks Tax Amend-Short title. ment Act, 1947.

An Act to amend The Race Tracks Tax Act, 1939.

Ist Reading March 27th, 1947

2nd Reading March 31st, 1947

3rd Reading

April 2nd, 1947.

MR. FROST

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

Mr. Frost

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
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No. 133

BILL

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

1947

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Lieutenant-Governor in Council is hereby author-Loan of ized to raise from time to time by way of loan such sum or authorized. sums of money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole Sixty Million Dollars (\$60,000,000).
- 2. The aforesaid sum of money may be borrowed for any Terms to be term or terms not exceeding forty years, at such rate as may Lieutenant-be fixed by the Lieutenant-Governor in Council and shall be Governor raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.
- 3. The Lieutenant-Governor in Council may provide for a Sinking special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 of Section 3 of The Provincial Loans Act.

 Rev. Stat., c. 22.
- 4. This Act shall come into force on the day upon which it Commence-receives the Royal Assent.
 - 5. This Act may be cited as The Ontario Loan Act, 1947. Short title.

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

1st Reading
March 27th, 1947

2nd Reading

3rd Reading

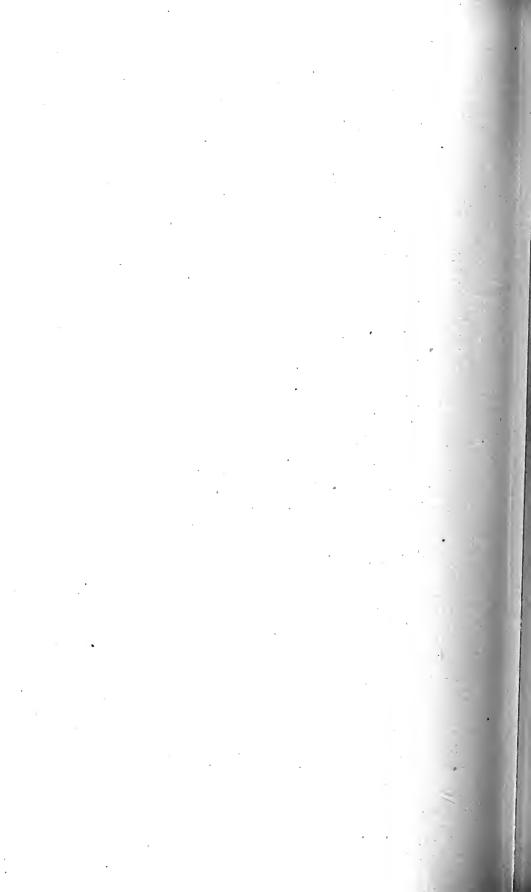
3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

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An Act for Raising Money on the Credit of the Consolidated Revenue Fund:

Mr. Frost

TORONTO
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BILL

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

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- 1. The Lieutenant-Governor in Council is hereby author-Loan of ized to raise from time to time by way of loan such sum or authorized. sums of money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole Sixty Million Dollars (\$60,000,000).
- 2. The aforesaid sum of money may be borrowed for any Terms to be term or terms not exceeding forty years, at such rate as may Lieutenant-be fixed by the Lieutenant-Governor in Council and shall be Governor raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.
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An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

March 27th, 1947 1st Reading

March 31st, 1947 2nd Reading

3rd Reading

April 2nd, 1947

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

The Sanatoria for Consumptives Act, 1947.

Mr. KELLEY

TORONTO PRINTED AND PUBLISHED BY H. E. BROWN ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

The Sanatoria for Consumptives Act has been amended on several occasions since the last general revision of the Statutes. In view of the number and volume of the amendments which have already been made it is desirable that the Act and amendments should be consolidated.

In addition to the consolidating feature of the Bill it effects certain amendments:

"Post-sanatorium care" is defined; regulations respecting the prescribing of forms and governing payment of post-sanatorium care are authorized; provisions relating to residence are clarified, and the authority of the Department with respect to post-sanatorium care is clarified. No. 134

1947

BILL

The Sanatoria for Consumptives Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act.

Interpretation,—

- (a) "association" shall mean any association, body or "association"; organization howsoever incorporated, authorized or empowered for the purpose of establishing, maintaining or operating a sanatorium;
- (b) "board" shall mean a board of trustees, directors, "board"; commission or other governing body or authority of a sanatorium;
- (c) "Department" shall mean Department of Health; "Department";
- (d) "inspector" shall mean an officer of the Department "inspector"; designated under this Act as an inspector;
- (e) "local board" shall mean a local board of health board." established under The Public Health Act;

 Rev. Stat., c. 299.
- (f) "local municipality" shall mean city, town, village "local municipality"; and township;
- (g) "medical officer of health" shall mean medical officer "medical officer of health appointed under The Public Health Act or health"; any person having the powers thereof;
- (h) "Minister" shall mean Minister of Health; "Minister";
- (i) "patient" shall mean a person admitted to a sana-"patient"; torium for the purpose of treatment;
- (j) "post-sanatorium care" of a former patient shall "post-sanatorium include, "are";

- (i) transportation from the sanatorium to the place of residence,
- (ii) proper living accommodation, food, clothing and any other necessaries of life, and
- (iii) special treatment for tuberculosis and transportation to and from any place at which such special treatment is available;

"provincial aid";

(k) "provincial aid" shall mean aid granted to a sanatorium out of moneys appropriated for the purpose by the Legislature;

"regulations"; (l) "regulations" shall mean regulations made under this Act:

"resident":

(m) "resident" shall mean a person who has actually resided in a local municipality for the period of three months within the six months next prior to admission to a sanatorium;

"sanatorium"; (n) "sanatorium" shall mean any sanatorium, institution, building or other premises or place, howsoever created, established or incorporated for the treatment of patients;

"superintendent"; (o) "superintendent" shall mean the person who has for the time being the direct and actual superintendence and charge of a sanatorium;

"territorial district"; Rev. Stat., c. 3.

(p) "territorial district" shall mean territorial district under The Territorial Division Act;

"treatment";

(q) "treatment" shall mean the stay, maintenance, observation, care, nursing and treatment of a patient who has or is suspected of having tuberculous disease; and

"unorganized territory".

(r) "unorganized territory" shall mean that part of a territorial district which is without municipal organization. R.S.O. 1937, c. 395, s. 1; 1939, c. 42, s. 1, amended.

PART I.

ESTABLISHMENT, OPERATION, INSPECTION OF SANATORIA.

Sanatoria aided in **19**30 **a**pproved. 2.—(1) The several institutions with their respective properties and appurtenances which under *The Sanatoria for Consumptives Act* received aid for the year 1930 from the Province

Rev. Stat., 1927, c. 257.

134

of Ontario shall for the purposes of this Act be deemed to be sanatoria, as if they had been approved under this Act.

- (2) No institution, building or other premises or place shall New sanahereafter be created, established, incorporated, operated or approved. used as a sanatorium until it has been approved by the Lieutenant-Governor in Council.
- (3) Any approval given or deemed to have been given under Suspension or revocathis Act in respect of any sanatorium may be suspended by tion of the Minister or revoked by the Lieutenant-Governor in approval. Council. R.S.O. 1937, c. 395, s. 2, amended.
- 3. The Minister, with the approval of the Lieutenant-Inspectors. Governor in Council may designate one or more officers of the Department to be inspectors for the purposes of this Act and the regulations. R.S.O. 1937, c. 395, s. 5, amended.
- 4. Every sanatorium approved or deemed to be approved Powers of under this Act may be carried on under the powers and authorities conferred by any general or special Act under which it was created, established, incorporated or empowered, but where the provisions of any general or special Act conflict with the provisions of this Act or the regulations the provisions of this Act and the regulations shall prevail. R.S.O. 1937, c. 395, s. 6; 1939, c. 42, s. 3.

PART II.

MUNICIPAL SANATORIA.

5. Subject to the provisions of this Act, any municipal cor-Establish-poration, including a county, or, jointly, any two or more such municipal municipal corporations, may establish a sanatorium, and may sanatorium for that purpose acquire land and erect and equip buildings thereon and do such other things as may be necessary or incidental to the establishment, completion, maintenance and operation of a sanatorium, and the carrying out of the provisions of this Act and the regulations. R.S.O. 1937, c. 395, s. 7.

- 6. When two or more municipal corporations propose Provisional agreement jointly to establish a sanatorium, the councils of such corporations shall provisionally agree upon the proposal respecting the sanatorium.

 same. R.S.O. 1937, c. 395, s. 8.
- 7. Any municipal corporation or corporations which pro-Submission pose to establish a sanatorium shall submit the proposals to to Minister. the Minister and therewith shall also submit such provisional by-laws, agreements, plans, estimates and other material and

information as may be required by the regulations. R.S.O. 1937, c. 395, s. 9, amended.

Site in another municipality.

8. If the site for a proposed sanatorium is situate elsewhere in Ontario than in the municipality or in one of the municipalities, the corporation of which is proposing or is a party to proposing its establishment, such corporation shall, upon submitting the proposals to the Minister, notify in writing the head of the municipality in which the site is situate of the proposals made, and the council of such municipality shall, within one month after receipt of such notice, state in writing to the Minister, the objections, if any, which it may have to the establishment of a sanatorium on such site, but no such objection shall necessarily prevent approval being given hereunder. R.S.O. 1937, c. 395, s. 10, amended.

Approval by Order-in-Council.

9. The Minister shall submit the proposals, with any report thereon which he may see fit to make, to the Lieutenant-Governor in Council, and upon approval thereof, either as submitted or as modified or altered in any way by the Lieutenant-Governor in Council, such approval shall, subject as hereinafter provided, be sufficient authority for the municipal corporation or corporations to establish a sanatorium in accordance therewith. R.S.O. 1937, c. 395, s. 11, amended.

Procedure for establishment, by-laws, etc.

10. When by approval of the Lieutenant-Governor in Council a municipal corporation is, or, jointly, two or more municipal corporations are authorized to establish a sanatorium, the council or councils of such corporation or corporations, as the case may be, may with the assent of the electors of such municipality or municipalities qualified to vote on money by-laws, pass all by-laws necessary to establish, erect, complete and equip the sanatorium and to issue debentures to pay for the cost thereof and where, jointly, two or more municipal corporations are establishing the sanatorium, to enter into an agreement respecting the same according to form approved by the Lieutenant-Governor in Council. R.S.O. 1937, c. 395, s. 12.

County sanatorium.

11. Where the municipal corporation authorized by the approval of the Lieutenant-Governor in Council, either alone or jointly with another municipal corporation, to establish a sanatorium is a county, it shall not be necessary that any by-laws passed by the council of such county, under section 10, shall be assented to by the electors qualified to vote on money by-laws if such by-laws are passed with the vote of two-thirds of all the members of the county council. R.S.O. 1937, c. 395, s. 13.

Rev. Stat., c. 266, to apply.

12. Subject as otherwise herein provided, the provisions of *The Municipal Act* shall apply to all by-laws passed and to all

debentures issued by a municipal corporation under this Act. R.S.O. 1937, c. 395, s. 14.

13. When it is proposed by a municipal corporation, which Improvements for has or by two or more municipal corporations which, jointly, sanatorium. have established a sanatorium, to make any extensions, additions, or structural alterations or improvements to such sanatorium, or to erect any new buildings in connection therewith, the powers and proceedings with respect to such proposals and obtaining approval thereof, and to the passing of by-laws, issue of debentures and entering into of agreements, shall be the same as for the establishment of a sanatorium. R.S.O. 1937. c. 395, s. 15.

14.—(1) When a municipal corporation has, or, jointly, Board of managetwo or more municipal corporations have established a sana-ment. torium, the management and control over the same, and its erection, equipment, maintenance, operation, use and affairs generally shall be vested in a board which, subject to subsection 2, shall be composed of not less than five trustees to be appointed by by-law of the establishing municipal corporation or in case of the establishment of a sanatorium, jointly, by two or more municipal corporations, in accordance with the provisions of the agreement entered into respecting the same. R.S.O. 1937, c. 395, s. 16; 1938, c. 34, s. 4 (1).

(2) Notwithstanding the provisions of subsection 1, the Appoint-Lieutenant-Governor in Council may appoint any person board by to be a member of a board of any sanatorium referred to in Governor subsection 1, and such person shall hold office during pleasure; in Council. provided that where any such board consists of five members at the time of such appointment the board shall consist of six members until the death, resignation or expiration of the term of office of one of the members other than the member so appointed. 1938, c. 34, s. 4 (2).

- 15. The qualifications of the trustees forming the board, Trustees. their term of office, which shall not exceed five years, the quorum of their meetings and the manner of appointment of successors and of filling vacancies in the office of trustees shall be provided for in such by-law or agreement, and the trustees appointed shall hold office until their successors are appointed. R.S.O. 1937, c. 395, s. 17.
- 16. The board shall be a corporation under such name as Corporate body. may be designated in the approval given by the Lieutenant-Governor in Council for its establishment. R.S.O. 1937, c. 395, s. 18, amended.
- 17. The board shall of its members elect yearly one of them Chairman. to be its chairman to hold office for one year, or until his suc-

cessor is appointed, and a vice-chairman may also similarly be elected. R.S.O. 1937, c. 395, s. 19.

Agreements with associations.

18. With the approval of the Lieutenant-Governor in Council, an association which has authority to establish, maintain and operate a sanatorium may enter into an agreement with one or more municipal corporations, including a county or counties, respecting the establishment of such sanatorium or with respect to providing in whole or in part the cost of erecting, equipping, improving, enlarging, extending or altering a sanatorium established by the association, but no by-law of a municipal corporation for the purpose of providing any such cost, by the issue of debentures or otherwise, shall be passed otherwise than in accordance with the provisions of section 10 or 11 in respect to by-laws passed thereunder. R.S.O. 1937, c. 395, s. 20.

PART III.

ALL SANATORIA.

Application of Part.

19. The provisions of this Part shall apply to all sanatoria whether established by municipal corporations or associations. R.S.O. 1937, c. 395, s. 21.

Powers of board.

20. Subject as in this Act and the regulations provided, or in any agreement entered into under the provisions of this Act stipulated, it shall be the duty of the board of a sanatorium, and it shall have power to govern, manage and control its affairs, and its maintenance, operations and use, and the admission, treatment, conduct, discipline and discharge of patients therein, and for such purposes, the board may pass by-laws, rules and regulations, but no such by-law, rule or regulation shall have force or effect until the same is approved by the Lieutenant-Governor in Council. R.S.O. 1937, c. 395, s. 22.

Appointment of staff. 21. Subject to the regulations, the board may appoint such superintendents, officers, staffs, employees, and servants of a sanatorium as from time to time may be necessary and fix their salaries and prescribe their powers and duties. R.S.O. 1937, c. 395, s. 23.

Powers of expropriation,

22. With the approval of the Lieutenant-Governor in Council, the board may pass by-laws for expropriating any land adjacent to or in the vicinity of a sanatorium, which may be deemed requisite for or advantageous to its purposes and in that behalf may exercise the powers of expropriation conferred on a municipality under *The Municipal Act*, the provisions of which relating thereto shall, *mutatis mutandis*, apply to and govern the exercise of such powers so far as the

Rev. Stat., c. 266. same are applicable or necessary thereto, and the superintendent in such case shall exercise the powers and perform the duties which under the said Act are to be exercised and performed by the clerk of the municipality; provided, however, that the board of a sanatorium which has been established by a municipal corporation or corporations, shall not exercise any such power of expropriation without the consent first obtained of the council or councils of such corporation or corporations. R.S.O. 1937, c. 395, s. 24.

- 23. The real property acquired and used for the purpose of Exemption and in connection with a sanatorium shall be exempt from all taxation. municipal or other taxation, including taxation for school purposes, except and excluding, however, any municipal tax or rate imposed in respect to any public utility supplied to a sanatorium. R.S.O. 1937, c. 395, s. 25.
- 24. No part of any property acquired or used for the pur-Sale, etc., poses of a sanatorium shall be sold, leased, mortgaged, or approved. otherwise disposed of without the approval of the Lieutenant-Governor in Council. R.S.O. 1937, c. 395, s. 26.
- 25. No part of any property acquired or used for the pur-Protection poses of a sanatorium shall be expropriated by any corporation adverse. or person having powers of expropriation under any Act, with-tion. out the approval of the Lieutenant-Governor in Council. R.S.O. 1937, c. 395, s. 27.
- 26. Nothing in sections 24 and 25 contained, shall apply Saving as to highway to or prevent the sale, disposition or expropriation of any part widening. of the property acquired or used for the purposes of a sanatorium if the same is required in the widening of any highway, if the Minister has first approved thereof. R.S.O. 1937, c. 395, s. 28.
- 27. The board may accept from any person donations of Donations. property, real or personal, and whether by will or otherwise, for the endowment, use or benefit of a sanatorium and subject to the terms of the donation may apply the same for such purposes. R.S.O. 1937, c. 395, s. 29.

28. No sanatorium which has been approved and estab-Approval lished may permanently be closed without the approval of the sanatorium. Lieutenant-Governor in Council, and when any sanatorium is closed or proposed to be closed permanently, the Lieutenant-Governor in Council may make such provision for the sale or other disposition of the sanatorium and all the properties and assets thereof, and for the application of any proceeds of such sale or disposition and otherwise in every respect, as he may deem proper. R.S.O. 1937, c. 395, s. 30.

Medical students' clinics.

29. Subject to the provisions of any existing agreement relating thereto, every sanatorium receiving provincial aid shall provide such reasonable facilities for giving instruction to medical students of any university as may be required by the regulations. R.S.O. 1937, c. 395, s. 31.

Sanatorium to admit patients.

30. Except as may otherwise be provided in this Act or the regulations, no sanatorium receiving provincial aid shall refuse to admit as a patient any person who is in need of treatment. R.S.O. 1937, c. 395, s. 32; 1939, c. 42, s. 4.

Admissions to association sanatorium.

31. Except as may otherwise be provided in this Act or in the agreement, no sanatorium established by an association which has entered into an agreement with a municipal corporation under this Act shall refuse to admit as a patient any indigent person or dependant of an indigent person resident in such municipality and requiring treatment. c. 395, s. 34.

Refusal of

32. Nothing in this Act contained shall require that any communi-cable disease sanatorium admit or retain as a patient any person suffering from a communicable disease which under The Public Health Act or regulations made thereunder requires quarantine and placarding. R.S.O. 1937, c. 395, s. 35.

Refusal of non-residents.

Rev. Stat., c. 299.

33. Nothing in this Act contained shall, unless by refusal of admission life would thereby be endangered, require that any sanatorium admit as a patient any person who is not a resident or a dependant of a resident in Ontario. 1937, c. 395, s. 36.

PART IV.

MUNICIPAL LIABILITY.

Notice to municipality.

34.—(1) Upon admission to a sanatorium of any patient, the superintendent shall, by registered letter, notify the clerk of the local municipality in which such patient is or is reported to be a resident, of such admission, giving such particulars as are available to enable the clerk to identify the patient.

Reply.

(2) Within thirty days after the mailing of such notice to the clerk of the local municipality the clerk shall, by registered letter, send a reply to the superintendent from whom such notice was received stating whether such patient is a resident of such local municipality, and if the clerk states that the patient is not a resident, he shall furnish the information which he has obtained relating to the residence of the patient.

Penalty.

(3) If the clerk fails or neglects to comply with the provi-

sions of subsection 2, the patient, for the purposes of this Act, shall be deemed to be a resident of the local municipality for which such clerk is appointed. 1939, c. 42, s. 12, part.

35.—(1) Whenever the superintendent requires information Superintendent may regarding the ability of any patient to pay toward his main-request intenance in a sanatorium, the superintendent may request, formation. by registered letter, such information from the clerk of the local municipality in which the patient was resident at the time of admission to the sanatorium.

(2) Unless the clerk of the local municipality within thirty Penalty days of the mailing to him of any such notice as mentioned to reply. in subsection 1, shall have replied to the superintendent supplying the information referred to in subsection 1, or giving reasons why such information cannot be obtained, such local municipality shall pay to the sanatorium the charges for the treatment of such patient in the sanatorium at the rate set for provincial aid in the regulations, commencing thirty days after the mailing to the clerk of the notice and continuing until the clerk has complied with the provisions of this section. 1939, c. 42, s. 12, part.

36.—(1) The local municipality in which any indigent Cost of transportaperson is living at the time he requires admission to a sana-tion to sanatorium. torium shall pay the costs of transporting such person to the sanatorium and if after admission to a sanatorium the residence of such person is determined to be any other local municipality, the local municipality which has paid the costs of transportation of such person to a sanatorium may recover the expenses so incurred from the local municipality where the

(2) The local municipality in which any indigent patient Transportawas a resident at the time of the admission of such patient another sanatorium. to a sanatorium shall pay the costs of transportation of such patient to and from another sanatorium or to and from any public hospital or other public institution if such transfer has been directed by the superintendent of the sanatorium or an inspector.

person was a resident at the time of his admission to the sanatorium, or if any such person was not a resident in any local municipality, the local municipality which has paid the

costs may recover such costs from the Department.

(3) Whenever the transfer of an indigent patient has been Recovery by directed by the superintendent of a sanatorium or an inspector to and from any of the places mentioned in subsection 2, the sanatorium may pay the costs of transportation and may recover such costs from the local municipality in which such patient was a resident at the time of his admission to a sanatorium. 1939, c. 42, s. 12, part.

Notice that patient recovered.

37.—(1) The superintendent of a sanatorium shall, and an inspector may give notice in writing to the local board of any local municipality that any patient who was a resident in such municipality at the time of admission to the sanatorium has recovered to such an extent that such patient may receive care or treatment outside the sanatorium.

Responsibility of local board.

(2) Upon receiving such notice the local board shall furnish to or for any patient who is indigent the expenses of post-sanatorium care of such part thereof as he is unable to furnish himself. 1939, c. 42, s. 11 (1), amended.

Failure of local board to comply with provisions of subs. 2.

(3) In the event that the local board fails or neglects to comply with the provisions of subsection 2 within thirty days after such notice has been sent to the local board, the local municipality in which such local board has jurisdiction shall pay to the sanatorium the charges for the treatment of such patient in the sanatorium at the rate set for provincial aid in the regulations commencing thirty days after such notice has been sent to the local board. 1938, c. 34, s. 11, part; 1939, c. 42, s. 11 (2).

Return of patient to sanatorium.

(4) In the event that the local board fails or neglects to comply with the provisions of subsection 2, the Minister may direct that the patient shall be returned to a sanatorium, and the local municipality in which the patient was resident at the time of his last admission to a sanatorium shall pay the charges for his transportation together with the charges for his treatment at the rate set for provincial aid in the regulations. 1943, c. 28, s. 36.

Where patient proceeds to other municipality.

(5) If any patient at any time after his discharge from a sanatorium goes to a local municipality other than that in which he was a resident at the time of his admission to a sanatorium, the first-named local municipality shall provide for such patient the things mentioned in subsection 2 if the patient is indigent but may recover any expenses so incurred from the local municipality in which the patient was a resident at the time of his admission to a sanatorium.

Recovery from county.

(6) If a local municipality is part of the county for municipal purposes, such local municipality shall be entitled to recover from the county one-half of any money expended by the local board under subsection 2 or 5. 1939, c. 42, s. 11 (3).

Burial expenses.

38. In the event of the death in a sanatorium of any patient who is an indigent person that local municipality in which such indigent person was a resident at the time of admission shall pay to the sanatorium any expenses of burial which it may incur, but not exceeding \$30. R.S.O. 1937, c. 395, s. 39; 1939, c. 42, s. 6.

- 39.—(1) When under this Act the burial expenses of a Statements deceased patient are payable by a local municipality, the to be sanatorium to which such patient was admitted shall render rendered. to the clerk of the local municipality a statement of account of any such expenses with full particulars thereof and if the amount of any such account is not paid within a reasonable time after the same has been rendered it may be recovered as a debt in any court of competent jurisdiction. R.S.O. 1937, c. 395, s. 46; 1938, c. 34, s. 8; 1939, c. 42, s. 8 (1).
- . (2) Upon payment by a local municipality of any expenses Right of of burial of a deceased patient, the local municipality may recovery. recover one-half of such expenses from the county if such local municipality is part of the county for municipal purposes. 1939, c. 42, s. 8 (2).
- 40. Upon payment by a local municipality or a county Municipal of any expenses of burial of a deceased patient, such local against municipality or county may recover from his estate or personal patient. representatives, or, in the case of a dependant, from any person liable in law, in respect to such dependant, the amount of the payment so made, and the same may be recovered as a debt in any court of competent jurisdiction. 1939, c. 42, s. 9.
- 41. Upon payment by a local municipality or a county of Municipal recourse any expenses of burial of a deceased patient by reason of such against patient having been assumed to be a resident in such local municimunicipality and it being ascertained that such patient was not a resident therein, but at the time of admission to the sanatorium was a resident in another local municipality in Ontario, the local municipality or county which made the said payment may recover the amount thereof as a debt from the local municipality in which such patient was a resident and upon payment by that local municipality, it shall be entitled to exercise the rights of recovery conferred under section 40. 1939, c. 42, s. 10.

- 42. For the purpose of this Act, no patient shall be deemed Cases where residence not presumed. to be a resident in a local municipality,—
 - (a) by reason of having gone to the municipality for the Persons purpose of seeking medical advice or treatment or medical aid seeking admission or treatment in a sanatorium in such municipality, but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to the first-named municipality for the purpose of seeking such advice, treatment or admission: or

Health seekers in the districts.

(b) if the municipality is in a territorial district, and such patient having or suspected of having tuberculous disease, has gone to such municipality principally for the purpose of health and within one year after going to such municipality is admitted a patient in a sanatorium, but in such cases the patient shall for the purposes of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to a municipality in a territorial district; or

Pupils.

Rev. Stat., c. 230.

(c) if such patient has been living in the municipality by reason of being a pupil in any school, college, university, training school for nurses established under The Nurses Registration Act, or other seminary of learning therein and at the time he became such a pupil was not a resident therein, but in such cases the patient shall for the purposes of this Act, be deemed to be a resident in that municipality in which he was a resident at the time he became such a pupil; or

Institutional

(d) by reason of having been a patient or an inmate of a hospital, sanatorium, house of refuge, orphanage, children's shelter or child welfare institution, gaol, reformatory, prison or other public institution in the municipality and otherwise was not a resident therein, but in such cases the patient shall for the purposes of this Act be deemed to be a resident in that municipality in which he was a resident at the time he became such a patient or inmate; or

Member of military, naval or air force. (e) if such patient has been living in the municipality by reason of being engaged on active service as a member of the military, naval or air force of Canada, but in such cases the patient shall for the purposes of this Act be deemed to be a resident in that municipality in which he was a resident at the time of enlistment for such service. R.S.O. 1937, c. 395, s. 43; 1938, c. 34, s. 6; 1939, c. 42, s. 7; 1940, c. 28, s. 24.

Residence of former patients.

- **43**. Where a former patient after his discharge from a sanatorium,—
 - (a) goes to a local municipality other than the local municipality in which he was a resident at the date of his admission to the sanatorium;
 - (b) receives post-sanatorium care under section 37 or otherwise under the Act while living in the first-mentioned municipality; and

(c) is not otherwise a resident of the first-mentioned local municipality,

such patient shall not, for the purposes of this Act, be deemed to be a resident of the local municipality in which he has been living since his discharge from the sanatorium but shall be deemed a resident of the local municipality in which he was resident at the date of his first admission to a sanatorium. New.

PART V.

PROVINCIAL AID.

44. Out of any moneys appropriated by the Legislature Provincial the Minister may pay provincial aid to a sanatorium for the treatment of every patient at the rate fixed by the regulations or may make payments for the treatment outside a sanatorium of any person suffering from tuberculosis and for the post-sanatorium care of a former patient, in accordance with the provisions of the regulations. 1938, c. 34, s. 11, part, amended.

PART VI.

GENERAL.

- **45.**—(1) Any medical officer of health may, with the Medical officer may approval of an inspector, require any person who is resident require exin the municipality or district for which the medical officer of health is appointed, and who is suspected by the medical officer of health to be suffering from tuberculosis, to submit to such examination for tuberculosis as the medical officer of health shall direct.
- (2) In requiring any person to submit to an examination Notice. under this section, the medical officer of health shall serve such person, or in the case of an infant, the parent or guardian of the infant, with a notice in writing signed by the medical officer of health and by an inspector, specifying the nature, time and place of the examination.
- (3) Any person served with a notice who fails to carry Penalty. out any order or direction contained therein shall be guilty of an offence and subject to the penalties provided in section 52.
- (4) Any expenses incurred by a medical officer of health Expenses. under this section shall be paid by the local municipality for which he is appointed, and in the case of a medical officer of health appointed to act in unorganized territory, such expenses shall be paid by the Department. 1939, c. 42, s. 12, part.

Information or complaint.

46.—(1) Any medical officer of health or duly qualified medical practitioner may, with the approval in writing of the Minister, make a complaint or lay an information in writing, and under oath before a justice of the peace, charging that the circumstances set out in clauses a, b and c of subsection 5 exist with regard to any person named in such complaint or information.

Issue of summons.

(2) Upon receiving any such complaint or information the justice of the peace shall hear and consider the allegations of the complainant, and if he considers it desirable or necessary the evidence of any witness or witnesses, and if he is of the opinion that a case for so doing is made out, he shall issue a summons directed to the person complained of, requiring him to appear before a magistrate at a time or place named therein.

Issue of warrant.

(3) Where a person to whom a summons is directed does not appear at the time and place named therein, or where it appears that a summons cannot be served, a magistrate may issue a warrant directing that the person named in the summons be brought before him.

Magistrate's inquiry.

(4) Where a person appears or is brought before a magistrate under this section, the magistrate shall inquire into the truth of the matters charged in the complaint or information, and for such purpose shall proceed in the manner prescribed by *The Summary Convictions Act* and shall have all the powers of a magistrate holding a hearing under that Act.

Rev. Stat., c. 136.

Order for detention.

(5) Where a magistrate finds that any such person,—

- (a) is suffering from pulmonary tuberculosis in an infectious state;
- (b) is unwilling or unable to conduct himself in such a manner as not to expose members of his family or other persons to danger of infection; and
- (c) refuses to be admitted or to remain in a sanatorium or has left a sanatorium against the advise of the superintendent thereof,

he shall order that such person be admitted to and detained in a sanatorium or in such other place as may be set aside with the approval of the Minister for the care of tuberculous persons, for such period not exceeding one year, as the magistrate may deem necessary.

(6) In any inquiry under this section, upon production Laboratory of a certificate signed or purporting to be signed by the director of a laboratory approved by the Minister as to the presence of tubercle bacilli in the sputum of any person, such certificate shall be prima facie evidence of the facts stated therein, and of the authority of the person giving such certificate without any proof of appointment or signature.

(7) Any person detained pending a hearing under this Detention section or pending his removal to a sanatorium or other place inquiry or set aside with the approval of the Minister for the care of removal. uberculous persons, shall be detained in a sanatorium or such other safe and comfortable place as a justice of the peace or magistrate may direct.

(8) The Minister may direct the transfer of any person Transfer of detained under this section to any sanatorium, hospital or any other place when he deems such transfer is necessary for the welfare of the patient.

- (9) Any person detained under this section may, with Extension of detention. the approval in writing of the Minister, be brought before a magistrate at any time during the last thirty days of the period for which he is so detained, and if the magistrate finds that he is still suffering from pulmonary tuberculosis in an infectious state he may order that such person be further detained in a sanatorium or such other place as may be set aside with the approval of the Minister for the care of tuberculous persons for such period, not exceeding one year, as the magistrate may deem necessary. 1941, c. 51, s. 1, part.
- 47. Any patient in a sanatorium or in any other place Order for segregation. set aside with the approval of the Minister for the care of tuberculous persons who is unwilling or unable to conduct himself in such a manner as not to expose other patients or other persons to danger of infection, or whose behaviour is detrimental to the recovery of other patients, may, with the approval in writing of the Minister, be brought before a magistrate who may, if he finds any such condition to exist, order that such patient be segregated from the other patients in a separate part of the sanatorium or other place and there detained for such period not exceeding one year as the magistrate may deem necessary. 1941, c. 51, s. 1, part.
- **48.**—(1) The superintendent, every member of the medical Authority staff and every nurse and attendant employed in a sanatorium hend, etc. or other place set aside with the approval of the Minister for the care of tuberculous persons and every medical officer of health and peace officer shall have authority to,-

- (a) execute any warrant and enforce any order of a magistrate issued or made under section 46 or 47;
- (b) bring any person before a magistrate under subsection 9 of section 46 or section 47; and
- (c) apprehend any person who has left a sanatorium or other place set aside with the approval of the Minister for the care of tuberculous patients in contravention of any order made under section 46 or 47.

Discharge by Minister.

(2) Where the Minister is of opinion that any person detained under section 46 or 47 in a sanatorium or other place set aside with the approval of the Minister for the care of tuberculous persons is no longer suffering from pulmonary tuberculosis in an infectious state, he may direct the discharge of such person.

Expenses of proceedings.

(3) The expenses of all proceedings taken under section 46 or 47 shall be paid out of such moneys as may be appropriated for the purposes of this Act by the Legislature. 1941, c. 51, s. 1, part.

Transfer to a public hospital.

Rev.Stat., c. 390.

49. The superintendent of a sanatorium shall have authority to direct the transfer of any patient in such sanatorium to a hospital under *The Public Hospitals Act* for the purpose of having performed upon such patient any surgical operation for any condition other than tuberculosis and in any such case the charges for the treatment in the public hospital of any such patient who is indigent shall be paid for in the same manner as charges for indigent patients are paid under *The Public Hospitals Act.* 1939, c. 42, s. 12, part.

Limitation of action.

50. Any action against a sanatorium or any nurse or person employed therein for damages for injury caused by negligence in the admission, care, treatment or discharge of any patient shall be brought within six months after such patient is discharged from or ceases to receive treatment at such sanatorium and not afterwards. 1939, c. 42, s. 12, part.

Regulations for sanatoria.

51.—(1) The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make such regulations with respect to sanatoria as may be deemed necessary for,—

Creation, construction, etc.

(a) their creation, establishment, construction, alteration, equipment, maintenance and repair;

Classification, etc. (b) their classification, grades and standards;

- (c) their inspection, control, government, management, Inspection, conduct, operation and use, including the appoint-etc.
 ment of one member of the board;
- (d) their inspectors, superintendents, staffs, officers, ser-Staffs, etc. vants and employees and the powers and duties thereof;
- (e) the admission, treatment, conduct and discharge of Patients. patients;
- (f) prescribing the forms relating to patients and their Forms. admission to, maintenance in, transfer, release and discharge from sanatoria, and all other forms required for the carrying out of the provisions of this Act and the regulations;
- (g) the classification, length of stay, rates and charges Rates, etc. of and for patients;
- (h) the records, books, accounting system, reports and Accounting returns to be made and kept by sanatoria;
- (i) the distribution, payment, withholding and restoration Provincial of and other matters affecting provincial aid; and
- (j) all other matters affecting sanatoria, General

and may make regulations providing payment for the treat-Treatment outside sanatoria of persons suffering from tuberculosis sanatoria. and the post-sanatorium care of former patients. R.S.O. 1937, c. 395, s. 3; 1938, c. 34, s. 3, amended.

- (2) The Minister may, from time to time, declare all or any Enforceof the regulations not to be in force with respect to all
 ment of Act.
 sanatoria or any specified sanatorium or sanatoria for such
 time or times as he may deem expedient. R.S.O. 1937, c.
 395, s. 4; 1939, c. 42, s. 2, amended.
- **52.** Any person who contravenes or is a party to the con-Penalty. travention, directly or indirectly, of any provision of this Act or the regulations shall be guilty of an offence and liable to a penalty of not less than \$5 and not exceeding \$500 recoverable under *The Summary Convictions Act.* R.S.O. 1937, Rev. Stat.. c. 395, s. 53, amended.
- 53. The Sanatoria for Consumptives Act, The Sanatoria Rev. Stat., for Consumptives Amendment Act, 1938, The Sanatoria for c. 395; 1938, Consumptives Amendment Act, 1939, section 24 of The Statute c. 28. s. 24; 1940, Law Amendment Act, 1940, The Sanatoria for Consumptives 1941, c. 51; Law Amendment Act, 1940, The Sanatoria for Consumptives 1943, c. 28. Amendment Act, 1941, and section 36 of The Statute Law repealed. Amendment Act, 1943, are repealed.
- **54.** This Act may be cited as The Sanatoria for Consump-Short title. tives Act, 1947.

BILL

The Sanatoria for Consumptives Act, 1947.

1st Reading March 27th, 1947

2nd Reading

3rd Reading

MR. KELLEY

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

The Sanatoria for Consumptives Act, 1947.

MR. KELLEY

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
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BILL

The Sanatoria for Consumptives Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpretation,—

- (a) "association" shall mean any association, body or "association"; organization howsoever incorporated, authorized or empowered for the purpose of establishing, maintaining or operating a sanatorium;
- (b) "board" shall mean a board of trustees, directors, "board": commission or other governing body or authority of a sanatorium;
- (c) "Department" shall mean Department of Health; "Department";
- (d) "inspector" shall mean an officer of the Department "inspector"; designated under this Act as an inspector;
- (e) "local board" shall mean a local board of health board." established under The Public Health Act; Rev. Stat., c. 299.
- (f) "local municipality" shall mean city, town, village "local municipality"; and township;
- (g) "medical officer of health" shall mean medical officer "medical officer of health appointed under *The Public Health Act* or health"; any person having the powers thereof;
- (h) "Minister" shall mean Minister of Health; "Minister";
- (i) "patient" shall mean a person admitted to a sana-"patient"; torium for the purpose of treatment;
- (j) "post-sanatorium care" of a former patient shall "post-sanatorium include,

- (i) transportation from the sanatorium to the place of residence,
- (ii) proper living accommodation, food, clothing and any other necessaries of life, and
- (iii) special treatment for tuberculosis and transportation to and from any place at which such special treatment is available;

"provincial aid";

(k) "provincial aid" shall mean aid granted to a sanatorium out of moneys appropriated for the purpose by the Legislature;

"regulations";

(l) "regulations" shall mean regulations made under this Act;

"resident";

(m) "resident" shall mean a person who has actually resided in a local municipality for the period of three months within the six months next prior to admission to a sanatorium:

"sanatorium";

(n) "sanatorium" shall mean any sanatorium, institution, building or other premises or place, howsoever created, established or incorporated for the treatment of patients;

"superintendent":

(o) "superintendent" shall mean the person who has for the time being the direct and actual superintendence and charge of a sanatorium;

"territorial district"; Rev. Stat., c. 3.

(p) "territorial district" shall mean territorial district under *The Territorial Division Act*;

"treatment";

(q) "treatment" shall mean the stay, maintenance, observation, care, nursing and treatment of a patient who has or is suspected of having tuberculous disease; and

"unorganized territory".

(r) "unorganized territory" shall mean that part of a territorial district which is without municipal organization. R.S.O. 1937, c. 395, s. 1; 1939, c. 42, s. 1, amended.

PART I.

ESTABLISHMENT, OPERATION, INSPECTION OF SANATORIA.

Sanatoria aided in 1930 approved. Rev. Stat., 1927, c. 257. 2.—(1) The several institutions with their respective properties and appurtenances which under *The Sanatoria for Consumptives Act* received aid for the year 1930 from the Province

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of Ontario shall for the purposes of this Act be deemed to be sanatoria, as if they had been approved under this Act.

- (2) No institution, building or other premises or place shall New sanahereafter be created, established, incorporated, operated or approved. used as a sanatorium until it has been approved by the Lieutenant-Governor in Council.
- (3) Any approval given or deemed to have been given under Suspension or revocathis Act in respect of any sanatorium may be suspended by tion of the Minister or revoked by the Lieutenant-Governor in approval. Council. R.S.O. 1937, c. 395, s. 2, amended.
- **3.** The Minister, with the approval of the Lieutenant-Inspectors. Governor in Council may designate one or more officers of the Department to be inspectors for the purposes of this Act and the regulations. R.S.O. 1937, c. 395, s. 5, amended.
- 4. Every sanatorium approved or deemed to be approved Powers of under this Act may be carried on under the powers and authorities conferred by any general or special Act under which it was created, established, incorporated or empowered, but where the provisions of any general or special Act conflict with the provisions of this Act or the regulations the provisions of this Act and the regulations shall prevail. R.S.O. 1937, c. 395, s. 6; 1939, c. 42, s. 3.

PART II.

MUNICIPAL SANATORIA.

5. Subject to the provisions of this Act, any municipal cor-Establish-poration, including a county, or, jointly, any two or more such municipal municipal corporations, may establish a sanatorium, and may sanatorium for that purpose acquire land and erect and equip buildings thereon and do such other things as may be necessary or incidental to the establishment, completion, maintenance and operation of a sanatorium, and the carrying out of the provisions of this Act and the regulations. R.S.O. 1937, c. 395, s. 7.

- **6.** When two or more municipal corporations propose Provisional jointly to establish a sanatorium, the councils of such corporations shall provisionally agree upon the proposal respecting the sanatorium. same. R.S.O. 1937, c. 395, s. 8.
- 7. Any municipal corporation or corporations which pro-Submission pose to establish a sanatorium shall submit the proposals to to Minister. the Minister and therewith shall also submit such provisional by-laws, agreements, plans, estimates and other material and

information as may be required by the regulations. R.S.O. 1937, c. 395, s. 9, amended.

Site in another municipality.

8. If the site for a proposed sanatorium is situate elsewhere in Ontario than in the municipality or in one of the municipalities, the corporation of which is proposing or is a party to proposing its establishment, such corporation shall, upon submitting the proposals to the Minister, notify in writing the head of the municipality in which the site is situate of the proposals made, and the council of such municipality shall, within one month after receipt of such notice, state in writing to the Minister, the objections, if any, which it may have to the establishment of a sanatorium on such site, but no such objection shall necessarily prevent approval being given hereunder. R.S.O. 1937, c. 395, s. 10, amended.

Approval by Order-in-Council.

9. The Minister shall submit the proposals, with any report thereon which he may see fit to make, to the Lieutenant-Governor in Council, and upon approval thereof, either as submitted or as modified or altered in any way by the Lieutenant-Governor in Council, such approval shall, subject as hereinafter provided, be sufficient authority for the municipal corporation or corporations to establish a sanatorium in accordance therewith. R.S.O. 1937, c. 395, s. 11, amended.

Procedure for establishment, by-laws, etc. 10. When by approval of the Lieutenant-Governor in Council a municipal corporation is, or, jointly, two or more municipal corporations are authorized to establish a sanatorium, the council or councils of such corporation or corporations, as the case may be, may with the assent of the electors of such municipality or municipalities qualified to vote on money by-laws, pass all by-laws necessary to establish, erect, complete and equip the sanatorium and to sissue debentures to pay for the cost thereof and where, jointly, two or more municipal corporations are establishing the sanatorium, to enter into an agreement respecting the same according to form approved by the Lieutenant-Governor in Council. R.S.O. 1937, c. 395, s. 12.

County sanatorium. 11. Where the municipal corporation authorized by the approval of the Lieutenant-Governor in Council, either alone or jointly with another municipal corporation, to establish a sanatorium is a county, it shall not be necessary that any by-laws passed by the council of such county, under section 10, shall be assented to by the electors qualified to vote on money by-laws if such by-laws are passed with the vote of two-thirds of all the members of the county council. R.S.O. 1937, c. 395, s. 13.

Rev. Stat., c. 266, to apply. **12**. Subject as otherwise herein provided, the provisions of *The Municipal Act* shall apply to all by-laws passed and to all

debentures issued by a municipal corporation under this Act. R.S.O. 1937, c. 395, s. 14.

13. When it is proposed by a municipal corporation, which Improvements for has or by two or more municipal corporations which, jointly, sanatorium. have established a sanatorium, to make any extensions, additions, or structural alterations or improvements to such sanatorium, or to erect any new buildings in connection therewith, the powers and proceedings with respect to such proposals and obtaining approval thereof, and to the passing of by-laws, issue of debentures and entering into of agreements, shall be the same as for the establishment of a sanatorium. R.S.O. 1937. c. 395, s. 15.

14.—(1) When a municipal corporation has, or, jointly, Board of managetwo or more municipal corporations have established a sana-ment. torium, the management and control over the same, and its erection, equipment, maintenance, operation, use and affairs generally shall be vested in a board which, subject to subsection 2, shall be composed of not less than five trustees to be appointed by by-law of the establishing municipal corporation or in case of the establishment of a sanatorium, iointly, by two or more municipal corporations, in accordance with the provisions of the agreement entered into respecting the same. R.S.O. 1937, c. 395, s. 16; 1938, c. 34, s. 4 (1).

(2) Notwithstanding the provisions of subsection 1, the Appoint-Lieutenant-Governor in Council may appoint any person board by to be a member of a board of any sanatorium referred to in Governor subsection 1, and such person shall hold office during pleasure: in Council. provided that where any such board consists of five members at the time of such appointment the board shall consist of six members until the death, resignation or expiration of the term of office of one of the members other than the member so appointed. 1938, c. 34, s. 4 (2).

- 15. The qualifications of the trustees forming the board, Trustees. their term of office, which shall not exceed five years, the quorum of their meetings and the manner of appointment of successors and of filling vacancies in the office of trustees shall be provided for in such by-law or agreement, and the trustees appointed shall hold office until their successors are appointed. R.S.O. 1937, c. 395, s. 17.
- 16. The board shall be a corporation under such name as Corporate body. may be designated in the approval given by the Lieutenant-Governor in Council for its establishment. R.S.O. 1937, c. 395, s. 18, amended.
- 17. The board shall of its members elect yearly one of them Chairman. to be its chairman to hold office for one year, or until his suc-

cessor is appointed, and a vice-chairman may also similarly be elected. R.S.O. 1937, c. 395, s. 19.

Agreements with associations.

18. With the approval of the Lieutenant-Governor in Council, an association which has authority to establish, maintain and operate a sanatorium may enter into an agreement with one or more municipal corporations, including a county or counties, respecting the establishment of such sanatorium or with respect to providing in whole or in part the cost of erecting, equipping, improving, enlarging, extending or altering a sanatorium established by the association, but no by-law of a municipal corporation for the purpose of providing any such cost, by the issue of debentures or otherwise, shall be passed otherwise than in accordance with the provisions of section 10 or 11 in respect to by-laws passed thereunder. R.S.O. 1937, c. 395, s. 20.

PART III.

ALL SANATORIA.

Application of Part.

19. The provisions of this Part shall apply to all sanatoria whether established by municipal corporations or associations. R.S.O. 1937, c. 395, s. 21.

Powers of board.

20. Subject as in this Act and the regulations provided, or in any agreement entered into under the provisions of this Act stipulated, it shall be the duty of the board of a sanatorium, and it shall have power to govern, manage and control its affairs, and its maintenance, operations and use, and the admission, treatment, conduct, discipline and discharge of patients therein, and for such purposes, the board may pass by-laws, rules and regulations, but no such by-law, rule or regulation shall have force or effect until the same is approved by the Lieutenant-Governor in Council. R.S.O. 1937, c. 395, s. 22.

Appointment of staff. 21. Subject to the regulations, the board may appoint such superintendents, officers, staffs, employees, and servants of a sanatorium as from time to time may be necessary and fix their salaries and prescribe their powers and duties. R.S.O. 1937, c. 395, s. 23.

Powers of expropriation.

22. With the approval of the Lieutenant-Governor in Council, the board may pass by-laws for expropriating any land adjacent to or in the vicinity of a sanatorium, which may be deemed requisite for or advantageous to its purposes and in that behalf may exercise the powers of expropriation conferred on a municipality under *The Municipal Act*, the provisions of which relating thereto shall, *mutatis mutandis*, apply to and govern the exercise of such powers so far as the

Rev. Stat., c. 266. same are applicable or necessary thereto, and the superintendent in such case shall exercise the powers and perform the duties which under the said Act are to be exercised and performed by the clerk of the municipality; provided, however, that the board of a sanatorium which has been established by a municipal corporation or corporations, shall not exercise any such power of expropriation without the consent first obtained of the council or councils of such corporation or corporations. R.S.O. 1937, c. 395, s. 24.

- 23. The real property acquired and used for the purpose of Exemption and in connection with a sanatorium shall be exempt from all taxation. municipal or other taxation, including taxation for school purposes, except and excluding, however, any municipal tax or rate imposed in respect to any public utility supplied to a sanatorium. R.S.O. 1937, c. 395, s. 25.
- **24.** No part of any property acquired or used for the pur-Sale, etc., poses of a sanatorium shall be sold, leased, mortgaged, or approved. otherwise disposed of without the approval of the Lieutenant-Governor in Council. R.S.O. 1937, c. 395, s. 26.
- **25.** No part of any property acquired or used for the pur-Protection poses of a sanatorium shall be expropriated by any corporation adverse expropriation under any Act, with-tion. out the approval of the Lieutenant-Governor in Council. R.S.O. 1937, c. 395, s. 27.
- **26.** Nothing in sections 24 and 25 contained, shall apply Saving as to or prevent the sale, disposition or expropriation of any part widening. of the property acquired or used for the purposes of a sanatorium if the same is required in the widening of any highway, if the Minister has first approved thereof. R.S.O. 1937, c. 395, s. 28.
- **27**. The board may accept from any person donations of property, real or personal, and whether by will or otherwise, for the endowment, use or benefit of a sanatorium and subject to the terms of the donation may apply the same for such purposes. R.S.O. 1937, c. 395, s. 29.
- 28. No sanatorium which has been approved and estab-Approval lished may permanently be closed without the approval of the sanatorium. Lieutenant-Governor in Council, and when any sanatorium is closed or proposed to be closed permanently, the Lieutenant-Governor in Council may make such provision for the sale or other disposition of the sanatorium and all the properties and assets thereof, and for the application of any proceeds of such sale or disposition and otherwise in every respect, as he may deem proper. R.S.O. 1937, c. 395, s. 30.

Medical students' clinics.

29. Subject to the provisions of any existing agreement relating thereto, every sanatorium receiving provincial aid shall provide such reasonable facilities for giving instruction to medical students of any university as may be required by the regulations. R.S.O. 1937, c. 395, s. 31.

Sanatorium to admit patients.

30. Except as may otherwise be provided in this Act or the regulations, no sanatorium receiving provincial aid shall refuse to admit as a patient any person who is in need of treatment. R.S.O. 1937, c. 395, s. 32; 1939, c. 42, s. 4.

Admissions to association sanatorium.

31. Except as may otherwise be provided in this Act or in the agreement, no sanatorium established by an association which has entered into an agreement with a municipal corporation under this Act shall refuse to admit as a patient any indigent person or dependant of an indigent person resident in such municipality and requiring treatment. R.S.O. 1937. c. 395, s. 34.

Refusal of communi cases.

- Rev. Stat., c. 299.
- **32.** Nothing in this Act contained shall require that any cable disease sanatorium admit or retain as a patient any person suffering from a communicable disease which under The Public Health Act or régulations made thereunder requires quarantine and placarding. R.S.O. 1937, c. 395, s. 35.

Refusal of non-residents.

33. Nothing in this Act contained shall, unless by refusal of admission life would thereby be endangered, require that any sanatorium admit as a patient any person who is not a resident or a dependant of a resident in Ontario. 1937, c. 395, s. 36.

PART IV.

MUNICIPAL LIABILITY.

Notice to municipality.

34.—(1) Upon admission to a sanatorium of any patient, the superintendent shall, by registered letter, notify the clerk of the local municipality in which such patient is or is reported to be a resident, of such admission, giving such particulars as are available to enable the clerk to identify the patient.

Reply.

(2) Within thirty days after the mailing of such notice to the clerk of the local municipality the clerk shall, by registered letter, send a reply to the superintendent from whom such notice was received stating whether such patient is a resident of such local municipality, and if the clerk states that the patient is not a resident, he shall furnish the information which he has obtained relating to the residence of the patient.

Penalty.

(3) If the clerk fails or neglects to comply with the provi-

sions of subsection 2, the patient, for the purposes of this Act, shall be deemed to be a resident of the local municipality for which such clerk is appointed. 1939, c. 42, s. 12, part.

. 35.—(1) Whenever the superintendent requires information Superinregarding the ability of any patient to pay toward his main-request intenance in a sanatorium, the superintendent may request, by registered letter, such information from the clerk of the local municipality in which the patient was resident at the time of admission to the sanatorium.

(2) Unless the clerk of the local municipality within thirty Penalty days of the mailing to him of any such notice as mentioned to reply. in subsection 1, shall have replied to the superintendent supplying the information referred to in subsection 1, or giving reasons why such information cannot be obtained, such local municipality shall pay to the sanatorium the charges for the treatment of such patient in the sanatorium at the rate set for provincial aid in the regulations, commencing thirty days after the mailing to the clerk of the notice and continuing until the clerk has complied with the provisions of this section. 1939, c. 42, s. 12, part.

36.—(1) The local municipality in which any indigent Cost of transportaperson is living at the time he requires admission to a sana-tion to torium shall pay the costs of transporting such person to the sanatorium and if after admission to a sanatorium the residence of such person is determined to be any other local municipality, the local municipality which has paid the costs of transportation of such person to a sanatorium may recover the expenses so incurred from the local municipality where the person was a resident at the time of his admission to the sanatorium, or if any such person was not a resident in any local municipality, the local municipality which has paid the costs may recover such costs from the Department.

(2) The local municipality in which any indigent patient Transportawas a resident at the time of the admission of such patient another sanatorium. to a sanatorium shall pay the costs of transportation of such patient to and from another sanatorium or to and from any public hospital or other public institution if such transfer has been directed by the superintendent of the sanatorium or an inspector.

(3) Whenever the transfer of an indigent patient has been Recovery by directed by the superintendent of a sanatorium or an inspector to and from any of the places mentioned in subsection 2, the sanatorium may pay the costs of transportation and may recover such costs from the local municipality in which such patient was a resident at the time of his admission to a sanatorium. 1939, c. 42, s. 12, part.

Notice that patient recovered.

37.—(1) The superintendent of a sanatorium shall, and an inspector may give notice in writing to the local board of any local municipality that any patient who was a resident in such municipality at the time of admission to the sanatorium has recovered to such an extent that such patient may receive care or treatment outside the sanatorium.

Responsi-

(2) Upon receiving such notice the local board shall bility of local board. furnish to or for any patient who is indigent the expenses of post-sanatorium care of such part thereof as he is unable to furnish himself. 1939, c. 42, s. 11 (1), amended.

Failure of local board to comply with provisions of subs. 2.

(3) In the event that the local board fails or neglects to comply with the provisions of subsection 2 within thirty days after such notice has been sent to the local board, the local municipality in which such local board has jurisdiction shall pay to the sanatorium the charges for the treatment of such patient in the sanatorium at the rate set for provincial aid in the regulations commencing thirty days after such notice has been sent to the local board. 1938, c. 34, s. 11, part; 1939, c. 42, s. 11 (2).

Return of patient to anatorium.

(4) In the event that the local board fails or neglects to comply with the provisions of subsection 2, the Minister may direct that the patient shall be returned to a sanatorium, and the local municipality in which the patient was resident at the time of his last admission to a sanatorium shall pay the charges for his transportation together with the charges for his treatment at the rate set for provincial aid in the regulations. 1943, c. 28, s. 36.

Where patient proceeds to other municipality.

(5) If any patient at any time after his discharge from a sanatorium goes to a local municipality other than that in which he was a resident at the time of his admission to a sanatorium, the first-named local municipality shall provide for such patient the things mentioned in subsection 2 if the patient is indigent but may recover any expenses so incurred from the local municipality in which the patient was a resident at the time of his admission to a sanatorium.

Recovery from county.

(6) If a local municipality is part of the county for municipal purposes, such local municipality shall be entitled to recover from the county one-half of any money expended by the local board under subsection 2 or 5. 1939, c. 42, s. 11 (3).

Burial expenses.

38. In the event of the death in a sanatorium of any patient who is an indigent person that local municipality in which such indigent person was a resident at the time of admission shall pay to the sanatorium any expenses of burial which it may incur, but not exceeding \$30. R.S.O. 1937, c. 395, s. 39: 1939. c. 42. s. 6.

- **39.**—(1) When under this Act the burial expenses of a Statements deceased patient are payable by a local municipality, the to be sanatorium to which such patient was admitted shall render rendered. to the clerk of the local municipality a statement of account of any such expenses with full particulars thereof and if the amount of any such account is not paid within a reasonable time after the same has been rendered it may be recovered as a debt in any court of competent jurisdiction. R.S.O. 1937, c. 395, s. 46; 1938, c. 34, s. 8; 1939, c. 42, s. 8 (1).
- (2) Upon payment by a local municipality of any expenses Right of of burial of a deceased patient, the local municipality may recover one-half of such expenses from the county if such local municipality is part of the county for municipal purposes. 1939, c. 42, s. 8 (2).
- **40.** Upon payment by a local municipality or a county Municipal recourse of any expenses of burial of a deceased patient, such local against municipality or county may recover from his estate or personal patient. representatives, or, in the case of a dependant, from any person liable in law, in respect to such dependant, the amount of the payment so made, and the same may be recovered as a debt in any court of competent jurisdiction. 1939, c. 42, s. 9.
- 41. Upon payment by a local municipality or a county of Municipal any expenses of burial of a deceased patient by reason of such against patient having been assumed to be a resident in such local municipality and it being ascertained that such patient was not a resident therein, but at the time of admission to the sanatorium was a resident in another local municipality in Ontario, the local municipality or county which made the said payment may recover the amount thereof as a debt from the local municipality in which such patient was a resident and upon payment by that local municipality, it shall be entitled to exercise the rights of recovery conferred under section 40. 1939, c. 42, s. 10.

42. For the purpose of this Act, no patient shall be deemed Cases where residence not be a resident in a local municipality,—

(a) by reason of having gone to the municipality for the Persons seeking purpose of seeking medical advice or treatment or medical aid seeking admission or treatment in a sanatorium in such municipality, but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to the first-named municipality for the purpose of seeking such advice, treatment or admission; or

Health seekers in the districts.

(b) if the municipality is in a territorial district, and such patient having or suspected of having tuberculous disease, has gone to such municipality principally for the purpose of health and within one year after going to such municipality is admitted a patient in a sanatorium, but in such cases the patient shall for the purposes of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to a municipality in a territorial district: or

Pupils.

(c) if such patient has been living in the municipality by reason of being a pupil in any school, college, university, training school for nurses established under The Nurses Registration Act, or other seminary of Rev. Stat .. c. 230. learning therein and at the time he became such a pupil was not a resident therein, but in such cases the patient shall for the purposes of this Act, be deemed to be a resident in that municipality in which he was a resident at the time he became such a pupil; or

Institutional inmates.

(d) by reason of having been a patient or an inmate of a hospital, sanatorium, house of refuge, orphanage, children's shelter or child welfare institution, gaol, reformatory, prison or other public institution in the municipality and otherwise was not a resident therein, but in such cases the patient shall for the purposes of this Act be deemed to be a resident in that municipality in which he was a resident at the time he became such a patient or inmate; or

Member of military, naval or air force.

(e) if such patient has been living in the municipality by reason of being engaged on active service as a member of the military, naval or air force of Canada, but in such cases the patient shall for the purposes of this Act be deemed to be a resident in that municipality in which he was a resident at the time of enlistment for such service. R.S.O. 1937, c. 395, s. 43; 1938, c. 34, s. 6; 1939, c. 42, s. 7; 1940, c. 28, s. 24.

Residence of former patients.

- 43. Where a former patient after his discharge from a sanatorium,—
 - (a) goes to a local municipality other than the local municipality in which he was a resident at the date of his admission to the sanatorium;
 - (b) receives post-sanatorium care under section 37 or otherwise under the Act while living in the firstmentioned municipality; and

(c) is not otherwise a resident of the first-mentioned local municipality,

such patient shall not, for the purposes of this Act, be deemed to be a resident of the local municipality in which he has been living since his discharge from the sanatorium but shall be deemed a resident of the local municipality in which he was resident at the date of his first admission to a sanatorium. New.

PART V.

PROVINCIAL AID.

44. Out of any moneys appropriated by the Legislature Provincial the Minister may pay provincial aid to a sanatorium for the treatment of every patient at the rate fixed by the regulations or may make payments for the treatment outside a sanatorium of any person suffering from tuberculosis and for the post-sanatorium care of a former patient, in accordance with the provisions of the regulations. 1938, c. 34, s. 11, part, amended.

PART VI.

GENERAL.

- **45.**—(1) Any medical officer of health may, with the Medical officer may approval of an inspector, require any person who is resident require exin the municipality or district for which the medical officer of health is appointed, and who is suspected by the medical officer of health to be suffering from tuberculosis, to submit to such examination for tuberculosis as the medical officer of health shall direct.
- (2) In requiring any person to submit to an examination Notice. under this section, the medical officer of health shall serve such person, or in the case of an infant, the parent or guardian of the infant, with a notice in writing signed by the medical officer of health and by an inspector, specifying the nature, time and place of the examination.
- (3) Any person served with a notice who fails to carry Penalty. out any order or direction contained therein shall be guilty of an offence and subject to the penalties provided in section 52.
- (4) Any expenses incurred by a medical officer of health Expenses under this section shall be paid by the local municipality for which he is appointed, and in the case of a medical officer of health appointed to act in unorganized territory, such expenses shall be paid by the Department. 1939, c. 42, s. 12, part.

Information or complaint.

46.—(1) Any medical officer of health or duly qualified medical practitioner may, with the approval in writing of the Minister, make a complaint or lay an information in writing, and under oath before a justice of the peace, charging that the circumstances set out in clauses a, b and c of subsection 5 exist with regard to any person named in such complaint or information.

Issue of summons.

(2) Upon receiving any such complaint or information the justice of the peace shall hear and consider the allegations of the complainant, and if he considers it desirable or necessary the evidence of any witness or witnesses, and if he is of the opinion that a case for so doing is made out, he shall issue a summons directed to the person complained of, requiring him to appear before a magistrate at a time or place named therein.

Issue of warrant.

(3) Where a person to whom a summons is directed does not appear at the time and place named therein, or where it appears that a summons cannot be served, a magistrate may issue a warrant directing that the person named in the summons be brought before him.

Magistrate's inquiry.

(4) Where a person appears or is brought before a magistrate under this section, the magistrate shall inquire into the truth of the matters charged in the complaint or information, and for such purpose shall proceed in the manner prescribed by *The Summary Convictions Act* and shall have all the powers of a magistrate holding a hearing under that Act.

Rev. Stat., c. 136.

Order for

detention.

(5) Where a magistrate finds that any such person,—

- (a) is suffering from pulmonary tuberculosis in an infectious state:
- (b) is unwilling or unable to conduct himself in such a manner as not to expose members of his family or other persons to danger of infection; and
- (c) refuses to be admitted or to remain in a sanatorium or has left a sanatorium against the advise of the superintendent thereof,

he shall order that such person be admitted to and detained in a sanatorium or in such other place as may be set aside with the approval of the Minister for the care of tuberculous persons, for such period not exceeding one year, as the magistrate may deem necessary. (6) In any inquiry under this section, upon production Laboratory of a certificate signed or purporting to be signed by the director of a laboratory approved by the Minister as to the presence of tubercle bacilli in the sputum of any person, such certificate shall be *prima facie* evidence of the facts stated therein, and of the authority of the person giving such certificate without any proof of appointment or signature.

(7) Any person detained pending a hearing under this Detention section or pending his removal to a sanatorium or other place inquiry or set aside with the approval of the Minister for the care of removal. tuberculous persons, shall be detained in a sanatorium or such other safe and comfortable place as a justice of the peace or magistrate may direct.

(8) The Minister may direct the transfer of any person Transfer of detained under this section to any sanatorium, hospital or any other place when he deems such transfer is necessary for the welfare of the patient.

(9) Any person detained under this section may, with Extension of the approval in writing of the Minister, be brought before a magistrate at any time during the last thirty days of the period for which he is so detained, and if the magistrate finds that he is still suffering from pulmonary tuberculosis in an infectious state he may order that such person be further detained in a sanatorium or such other place as may be set aside with the approval of the Minister for the care of tuberculous persons for such period, not exceeding one year, as the magistrate may deem necessary. 1941, c. 51, s. 1, part.

47. Any patient in a sanatorium or in any other place Order for set aside with the approval of the Minister for the care of tuberculous persons who is unwilling or unable to conduct himself in such a manner as not to expose other patients or other persons to danger of infection, or whose behaviour is detrimental to the recovery of other patients, may, with the approval in writing of the Minister, be brought before a magistrate who may, if he finds any such condition to exist, order that such patient be segregated from the other patients in a separate part of the sanatorium or other place and there detained for such period not exceeding one year as the magistrate may deem necessary. 1941, c. 51, s. 1, part.

48.—(1) The superintendent, every member of the medical Authority staff and every nurse and attendant employed in a sanatorium hend, etc. or other place set aside with the approval of the Minister for the care of tuberculous persons and every medical officer of health and peace officer shall have authority to,—

- (a) execute any warrant and enforce any order of a magistrate issued or made under section 46 or 47;
- (b) bring any person before a magistrate under subsection 9 of section 46 or section 47; and
- (c) apprehend any person who has left a sanatorium or other place set aside with the approval of the Minister for the care of tuberculous patients in contravention of any order made under section 46 or 47.

Discharge by Minister.

(2) Where the Minister is of opinion that any person detained under section 46 or 47 in a sanatorium or other place set aside with the approval of the Minister for the care of tuberculous persons is no longer suffering from pulmonary tuberculosis in an infectious state, he may direct the discharge of such person.

Expenses of proceedings.

(3) The expenses of all proceedings taken under section 46 or 47 shall be paid out of such moneys as may be appropriated for the purposes of this Act by the Legislature. 1941, c. 51, s. 1, part.

Transfer to a public hospital.

Rev.Stat., c. 390.

49. The superintendent of a sanatorium shall have authority to direct the transfer of any patient in such sanatorium to a hospital under *The Public Hospitals Act* for the purpose of having performed upon such patient any surgical operation for any condition other than tuberculosis and in any such case the charges for the treatment in the public hospital of any such patient who is indigent shall be paid for in the same manner as charges for indigent patients are paid under *The Public Hospitals Act.* 1939, c. 42, s. 12, part.

Limitation of action.

50. Any action against a sanatorium or any nurse or person employed therein for damages for injury caused by negligence in the admission, care, treatment or discharge of any patient shall be brought within six months after such patient is discharged from or ceases to receive treatment at such sanatorium and not afterwards. 1939, c. 42, s. 12, part.

Regulations for sanatoria.

51.—(1) The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make such regulations with respect to sanatoria as may be deemed necessary for,—

Creation, construction, etc.

(a) their creation, establishment, construction, alteration, equipment, maintenance and repair;

Classification, etc. (¿) their classification, grades and standards;

- (c) their inspection, control, government, management, Inspection. conduct, operation and use, including the appoint-etc.
 ment of one member of the board;
- (d) their inspectors, superintendents, staffs, officers, ser-Staffs, etc. vants and employees and the powers and duties thereof;
- (e) the admission, treatment, conduct and discharge of Patients. patients;
- (f) prescribing the forms relating to patients and their Forms. admission to, maintenance in, transfer, release and discharge from sanatoria, and all other forms required for the carrying out of the provisions of this Act and the regulations;
- (g) the classification, length of stay, rates and charges Rates, etc. of and for patients;
- (h) the records, books, accounting system, reports and Accounting returns to be made and kept by sanatoria;
- (i) the distribution, payment, withholding and restoration Provincial of and other matters affecting provincial aid; and
- (j) all other matters affecting sanatoria,

General.

and may make regulations providing payment for the treat-Treatment outside ment outside sanatoria of persons suffering from tuberculosis sanatoria. and the post-sanatorium care of former patients. R.S.O. 1937, c. 395, s. 3; 1938, c. 34, s. 3, amended.

- (2) The Minister may, from time to time, declare all or any Enforceof the regulations not to be in force with respect to all
 sanatoria or any specified sanatorium or sanatoria for such
 time or times as he may deem expedient. R.S.O. 1937, c.
 395, s. 4; 1939, c. 42, s. 2, amended.
- **52**: Any person who contravenes or is a party to the con-Penalty. travention, directly or indirectly, of any provision of this Act or the regulations shall be guilty of an offence and liable to a penalty of not less than \$5 and not exceeding \$500 recoverable under *The Summary Convictions Act.* R.S.O. 1937, c. 136. c. 395, s. 53, amended.
- 53. The Sanatoria for Consumptives Act, The Sanatoria Rev. Stat... for Consumptives Amendment Act, 1938, The Sanatoria for c. 395; 1938, Consumptives Amendment Act, 1939, section 24 of The Statute c. 28. s. 24; Law Amendment Act, 1940, The Sanatoria for Consumptives 1941, c. 51; Law Amendment Act, 1941, and section 36 of The Statute Law repealed. Amendment Act, 1943, are repealed.
- **54.** This Act may be cited as The Sanatoria for Consump-Short title. tives Act, 1947.

The Sanatoria for Consumptives Act, 1947.

1st Reading March 27th, 1947

2nd Reading March 31st, 1947

3rd Reading April 2nd, 1947

MR. KELLEY

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Town Sites Act.

MR. SCOTT

EXPLANATORY NOTE

The purpose of amending section 1 of *The Town Sites Act* is to restrict its operation to cases where the laying out or subdividing is done within five years of the issue of letters patent. It has also been clarified by the substitution of the words "commercial, industrial, residential or summer report purposes" in lieu of the words "town, village, park or summer resort purposes".

No. 135

1947

BILL

An Act to amend The Town Sites Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 1 of *The Town Sites Act* is repealed and the Rev. Stat., c. 46, s. 1. re-enacted.
 - 1. Subject to the provisions of section 5, where any lot Right of or parcel of Crown land sold, located or staked out one-quarter under any Act of this Legislature is laid out as a town site or subdivided into lots or parcels for commercial, industrial, residential or summer resort purposes within five years of the issue of letters patent granting such lot or parcel, one-quarter in acreage of all the lots or parcels shown on such plan or subdivision shall become the property of and be vested in the Crown.
- 2. This Act shall come into force on the 1st day of June, Commencement of Act.
- 3. This Act may be cited as The Town Sites Amendment Short title. Act, 1947.

An Act to amend The Town Sites Act.

1st Reading March 27th, 1947

2nd Reading

3rd Reading

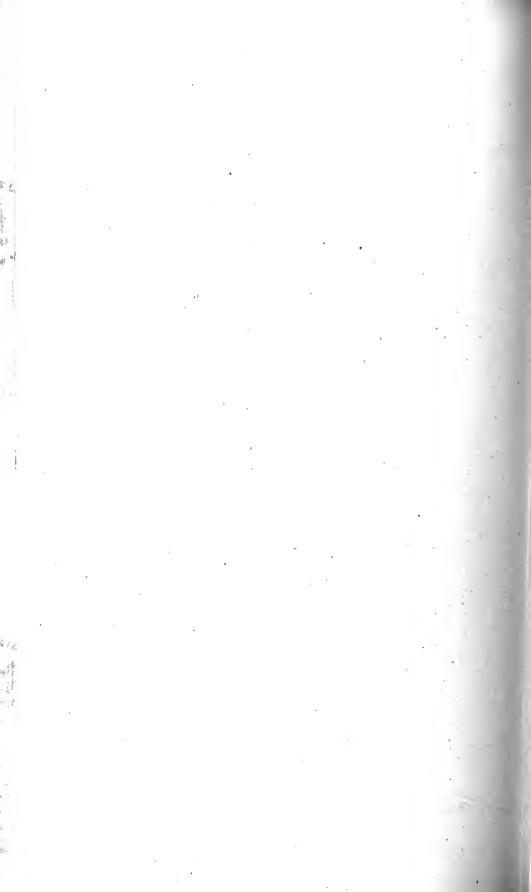
Mr. Scott

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Town Sites Act.

MR. SCOTT



No. 135

1947

BILL

An Act to amend The Town Sites Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 1 of *The Town Sites Act* is repealed and the Rev. Stat., following substituted therefor:
 - 1. Subject to the provisions of section 5, where any lot Right of or parcel of Crown land sold, located or staked out one-quarter under any Act of this Legislature is laid out as a town site or subdivided into lots or parcels for commercial, industrial, residential or summer resort purposes within five years of the issue of letters patent granting such lot or parcel, one-quarter in acreage of all the lots or parcels shown on such plan or subdivision shall become the property of and be vested in the Crown.
- 2. This Act shall come into force on the 1st day of June, Commencement of Act.
- 3. This Act may be cited as The Town Sites Amendment Short title. Act, 1947.

An Act to amend The Town Sites Act.

1st Reading March 27th, 1947

2nd Reading March 31st, 1947

3rd Reading April 2nd, 1947

April 2110, 174/

Mr. Scott

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Game and Fisheries Act, 1946.

MR. SCOTT

EXPLANATORY NOTES

One of the purposes of this Bill is to terminate the Department of Game and Fisheries as a Department, and to provide for the Department's functioning as a branch of the Department of Lands and Forests. The sections effecting this purpose are sections 1, 2, 3, 4, 12 and 13 of the Bill.

BILL

An Act to amend The Game and Fisheries Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Clauses c, d and n of section 1 of The Game and Fisheries $^{1946}_{s.}$, $^{1946}_{t.}$, $^{1946}_{s.}$, are repealed and the following substituted therefor: $^{c}_{c.}$, $^{d}_{o}$, $^{n}_{o}$, re-enacted.
 - (c) "Department" shall mean Department of Lands and "Department";
 . Forests;
 - (d) "Deputy Minister" shall mean Deputy Minister of "Deputy Minister"; Lands and Forests;
 - (n) "Minister" shall mean Minister of Lands and Forests. "Minister".
- 2. Section 3 of *The Game and Fisheries Act*, 1946, is amended $_{s.3.}^{1946, c.33}$, by striking out all the words after the word "Minister" in amended. the third line, so that the said section shall now read as follows:
 - 3. The administration of this Act and all matters in Administration respect to game and fish, notwithstanding any other tration.

 Act, shall be under the control and direction of the Minister.
 - 3. Section 4 of The Game and Fisheries Act, 1946, is repealed. s. 4, repealed.
- 4. Section 6 of *The Game and Fisheries Act*, 1946, is repealed \$\frac{1946}{\text{s. 6, remainded}}\$ and the following substituted therefor:
 - 6. The expenses incurred in the administration and Expenses enforcement of the provisions of this Act shall be paid out of such moneys as may be appropriated therefor by the Legislature.

1946, c. 33, amended.

5. The Came and Fisheries Act, 1946, is amended by adding thereto the following sections:

Restrictions in trapping licences for Crown land.

8a.—(1) A licence to trap fur-bearing animals on Crown lands shall be subject to such limitations as to territory and the number of fur-bearing animals which may be taken as the Minister may deem proper.

Limitation of number of licences.

(2) The Minister may limit the number of licences to be issued for any area of Crown land.

Hunting in provincial parks.

8b.—(1) Except as provided in the regulations, no person shall hunt, take, molest, wound, trap, kill, destroy or possess, or attempt to hunt, take, molest, wound trap, kill, or destroy any bird, fur-bearing animal or game within the limits of a provincial park.

Weapons, etc. in provincial parks.

(2) Except as provided in the regulations, no person shall carry or use, within the limits of a provincial park, any trap, fire-arm, explosive, or any other weapon or instrument for hunting, taking, molesting, wounding, trapping, killing or destroying any bird, furbearing animal or game.

1946, s. 33, s. 10, amended. **6.**—(1) Section 10 of *The Game and Fisheries Act, 1946*, is amended by adding thereto the following subsection:

Fire-arms and air-guns.

(1a) Except under a licence, no person shall carry or use any fire-arm or air-gun from and including the 1st day of March to and including the 31st day of August in any year for the prupose of hunting any bird or animal not protected by the *Migratory Birds Convention Act* (Canada), this Act or the regulations.

R.S.C., c. 130.

1946, c. 33, s. 10, subs. 2, amended.

(2) Subsection 2 of the said section 10 is amended by striking out the word and figure "Subsection 1" in the first line, and inserting in lieu thereof the words and figures "Subsections 1 and 1a", so that the said subsection shall now read as follows:

Exceptions as to farmers.

(2) Subsection 1 and 1a shall not apply to a farmer or his sons residing and hunting on his lands.

1946, c. 33, s. 10, subs. 3, amended.

(3) Subsection $3 \cdot$ of the said section 10 is amended by inserting after the figure "1" in the first line the word, figure and letter "or 1a", so that the said subsection shall now read as follows:

Power of fire-arms.

(3) The holder of a licence issued under subsection 1 or 1a shall not carry or use a rifle of greater calibre or projectile power than the rifle commonly known as a

SECTION 5. It is desirable to limit the number of licences issued for trapping fur-bearing animals on Crown lands and the number of animals which may be taken under each licence. The purpose is to give the licensee the prospect of continuing rights in an area as an incentive to increase the productivity of the area. This is provided for in the new section 8a.

Section 8b prohibits hunting any bird, fur-bearing animal or game, and carrying or using weapons for such purpose, in provincial parks except as authorized by the regulations.

SECTION 6. The purpose of this amendment is to control the use of fire-arms or air-guns in hunting unprotected animals and birds during the summer months.

Section 7. The provision for licences to use dogs in hunting fox in an area which deer do not inhabit or in which deer are not usually found is not workable due to the presence of deer practically everywhere in Ontario.

SECTION 8. It is desirable to exercise control over the use of turtle traps, allowing their use and at the same time providing adequate protection of the game fish.

Section 9. The repealed subsection reads as follows:

(2) Notwithstanding the guest accommodation for which a licence is issued, the total number of persons holding licences to hunt deer or moose, who may be accommodated at a tourist outfitter's camp during the whole of the open season for deer and moose in the area in which the camp is located, shall not exceed the number for which the licence is issued and in any case shall not exceed thirty-five.

Section 10—This amendment will aid in preventing illicit traffic in beaver skins.

Section 11—Subsection 1. Foxes have now increased in numbers to such an extent that they are a menace to domestic and wild life. It is therefore desirable to reduce their numbers.

Subsection 2—Self-explanatory.

"twenty-two calibre low-powered rifle" during the open season for deer or moose in areas which those animals inhabit or in which they are usually found.

- 7.—(1) Subsection 1 of section 15 of *The Game and Fisheries* ¹⁹⁴⁶, c. 33. Act, 1946, is amended by striking out the words "moose or amended. fox" in the second line and inserting in lieu thereof the words "or moose", so that the said subsection shall now read as follows:
 - (1) Except under a licence no person shall use or be Dog licence accompanied by a dog while hunting deer or moose, game.
 - (2) Subsection 2 of the said section 15 is repealed.

1946, c. 33, s. 15, subs. 2 repealed.

- **8.** The Game and Fisheries Act, 1946, is amended by adding ^{1946, c. 33}. thereto the following section:
 - **18a.** Except under a licence, no person shall use a trap ^{Turtles}. to take turtles.
- **9.** Subsection 2 of section 19 of The Game and Fisheries 1946, c. 33, Act, 1946, is repealed.
- **10.** Section 27 of *The Game and Fisheries Act*, 1946, is \$\frac{1946}{\sigma}\$, is \$\frac{1946}{\sigma}\$, is \$\frac{1946}{\sigma}\$, amended by adding thereto the following subsection:
 - (1a) Beaver skins and pelts shall be sealed or marked by Sealing or an officer before sale, and no fur dealer or buyer shall beaver skins. have unsealed or unmarked beaver skins or pelts in his possession.
- **11.**—(1) Clause b of section 29 of *The Game and Fisheries* s. 29, cl. b. Act, 1946, is amended by adding at the end thereof the words amended. "or fox", so that the said clause shall now read as follows:
 - (b) molest, injure or destroy a den or usual place of fur-bearing habitation of any fur-bearing animal other than a animals. skunk or fox.
- (2) Clause e of the said section 29 is amended by adding $_{\rm s.~29,~cl.~e}^{1946,~c.~33}$, after the word "Grenville" in the second line the word "Grey", amended, so that the said clause shall now read as follows:
 - (e) use snares for any purpose in the Counties of Carleton, Snares Dundas, Durham, Frontenac, Glengarry, Grenville, in certain Grey, Halton, Hastings, Lanark, Leeds, Lennox and Addington, Northumberland, Ontario, Peel, Peterborough, Prescott, Prince Edward, Russell, Stormont, Victoria and York, provided that snares may be Proviso. used for the taking of wolves in the Townships of

Canonto and Palmerston in the County of Frontenac from the 1st day of December to the 30th day of April.

1946, c. 33, s. 54, subs. 2, amended.

12. Subsection 2 of section 54 of *The Game and Fisheries Act*, 1946, is amended by inserting after the word "Department" in the fourth line the words "or by the Department of Game and Fisheries", so that the said subsection shall now read as follows:

Lease of fishing rights.

(2) No lease or conveyance made on or after the 26th day of June, 1939, granting exclusive rights to any person in or along any stream or lake which has been stocked with fish of any variety by the Department or by the Department of Game and Fisheries at any time after the 1st day of May, 1934, shall be valid unless the lease or conveyance has been submitted to and approved by the Minister.

1946, c. 33, s. 58, subs. 4, cl. b, amended.

- 13. Clause b of subsection 4 of section 58 of *The Game and Fisheries Act*, 1946, is amended by adding at the end thereof the words "or by the Department of Game and Fisheries", so that the said clause shall now read as follows:
 - (b) tear down, remove, injure, deface or interfere with any notice put up pursuant to this section or any notice or sign posted or placed by the Department or by The Department of Game and Fisheries.

1946, c. 33, s. 66, amended.

14. Section 66 of *The Game and Fisheries Act, 1946*, is amended by striking out the word "Minister" where it occurs in the first and sixth lines respectively, and inserting in lieu thereof the words "Deputy Minister", so that the said section shall now read as follows:

Refund of fees.

66. The Deputy Minister may direct the refund of the whole or any part of the fee paid for any licence, where, owing to the licence not having been used, or having been used for part only of the period for which it was issued, he deems it just, and the Treasurer of Ontario, upon the written request of the Deputy Minister, shall cause the refund to be made to the holder of the licence.

1946, c. 33, s. 72, amended.

- **15**. Section 72 of *The Game and Fisheries Act*, 1946, is amended by adding thereto the following clauses:
 - (aa) respecting the issue of licences to trap fur-bearing animals on Crown lands, providing for the transfer of such licences, and prescribing the conditions governing such transfers;

SECTION 14—This amendment is to simplify Department administration. . Section 15—Clause aa—complementary to the new section 8a added by section 5 of the Bill. It is desirable to provide for the transfer of licences in such cases and to retain control over registered trapping lines. Clause bb-complementary to section 10 of the Bill.

Clause dd-complementary to subsection 1 of section 11 of the Bill.

Clause gg—complementary to the new section 8b added by section 5 of the Bill.

- (bb) prescribing the manner in which beaver skins or pelts shall be sealed or marked before sale;
- (dd) authorizing the council of any county designated by the Minister to declare open seasons for the hunting of foxes at any time from the 1st day of April to the 31st day of October in any year;
- (gg) prescribing the conditions under which birds, furbearing animals and game may be taken or killed in provincial parks, and prohibiting the use of motor boats for trolling in provincial parks;
- •16. This Act shall come into force on the day it receives Commencement of Act.
- 17. This Act may be cited as The Game and Fisheries Short title. Amendment Act, 1947.

An Act to amend The Game and Fisheries Act, 1946.

DILL

1st Reading March 27th, 1947

2nd Reading

3rd Reading

Mr. Scott.

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Game and Fisheries Act, 1946.

MR. SCOTT



No. 136

1947

BILL

An Act to amend The Game and Fisheries Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Clauses c, d and n of section 1 of *The Came and Fisheries* $\substack{1946, c. 33, \\ s. 1, cls.}$ *Act, 1946,* are repealed and the following substituted therefor: c, d, n, re-
 - (c) "Department" shall mean Department of Lands and "Department"; Forests;
 - (d) "Deputy Minister" shall mean Deputy Minister of "Deputy Minister": Lands and Forests;
 - (n) "Minister" shall mean Minister of Lands and Forests. "Minister".
- **2.** Section 3 of *The Game and Fisheries Act*, 1946, is amended $_{8,3}^{1946, e.33}$, by striking out all the words after the word "Minister" in amended the third line, so that the said section shall now read as follows:
 - 3. The administration of this Act and all matters in Administration respect to game and fish, notwithstanding any other tration.

 Act, shall be under the control and direction of the Minister.
 - 3. Section 4 of The Game and Fisheries Act, 1946, is repealed. s. 4. repealed. pealed.
- **4.** Section 6 of *The Game and Fisheries Act*, 1946, is repealed \$\frac{1946.c.33}{s.6.}\$, reand the following substituted therefor:
 - 6. The expenses incurred in the administration and Expenses, enforcement of the provisions of this Act shall be paid out of such moneys as may be appropriated therefor by the Legislature.

1946, c. 33, amended.

5. The Game and Fisheries Act, 1946, is amended by adding thereto the following sections:

Restrictions in trapping licences for Crown land.

8a.—(1) A licence to trap fur-bearing animals on Crown lands shall be subject to such limitations as to territory and the number of fur-bearing animals which may be taken as the Minister may deem proper.

Limitation of number of licences.

(2) The Minister may limit the number of licences to be issued for any area of Crown land.

Hunting in provincial parks.

8b.—(1) Except as provided in the regulations, no person shall hunt, take, molest, wound, trap, kill, destroy or possess, or attempt to hunt, take, molest, wound trap, kill, or destroy any bird, fur-bearing animal or game within the limits of a provincial park.

Weapons, etc. in provincial parks.

(2) Except as provided in the regulations, no person shall carry or use, within the limits of a provincial park, any trap, fire-arm, explosive, or any other weapon or instrument for hunting, taking, molesting, wounding, trapping, killing or destroying any bird, furbearing animal or game.

1946, s. 33, s. 10, amended. **6**.—(1) Section 10 of *The Game and Fisheries Act*, 1946, is amended by adding thereto the following subsection:

Fire-arms and air-guns. (1a) Except under a licence, no person shall carry or use any fire-arm or air-gun from and including the 1st day of March to and including the 31st day of August in any year for the prupose of hunting any bird or animal not protected by the *Migratory Birds Convention Act* (Canada), this Act or the regulations.

R.S.C., c. 130.

1946, c. 33, s. 10, subs. 2, striking out the word and figure "Subsection 1" in the first line, and inserting in lieu thereof the words and figures "Subsections 1 and 1a", so that the said subsection shall now read as follows:

Exceptions as to farmers.

(2) Subsection 1 and 1a shall not apply to a farmer or his sons residing and hunting on his lands.

1946, c. 33, s. 10, subs. 3, amended.

(3) Subsection 3 of the said section 10 is amended by inserting after the figure "1" in the first line the word, figure and letter "or 1a", so that the said subsection shall now read as follows:

Power of fire-arms.

(3) The holder of a licence issued under subsection 1 or 1a shall not carry or use a rifle of greater calibre or projectile power than the rifle commonly known as a

"twenty-two calibre low-powered rifle" during the open season for deer or moose in areas which those animals inhabit or in which they are usually found.

- 7.—(1) Subsection 1 of section 15 of *The Game and Fisheries* ¹⁹⁴⁶, c. 33, Act, 1946, is amended by striking out the words "moose or amended. fox" in the second line and inserting in lieu thereof the words "or moose", so that the said subsection shall now read as follows:
 - (1) Except under a licence no person shall use or be Dog licence accompanied by a dog while hunting deer or moose. game.
 - (2) Subsection 2 of the said section 15 is repealed.

1946, c. 33, s. 15, subs. 2, repealed.

- **8.** The Game and Fisheries Act, 1946, is amended by adding ¹⁹⁴⁶, c. 33, thereto the following section:
 - 18a. Except under a licence, no person shall use a trap ^{Turtles}. to take turtles.
- **9.** Subsection 2 of section 19 of *The Game and Fisheries* s. 19, subs. 2, Act, 1946, is repealed.
- **10.** Section 27 of *The Game and Fisheries Act*, 1946, is \$\frac{1946}{\text{s. 27}}\$, amended by adding thereto the following subsection:
 - (1a) Beaver skins and pelts shall be sealed or marked by Sealing or an officer before sale, and no fur dealer or buyer shall beaver skins. have unsealed or unmarked beaver skins or pelts in his possession.
- **11.**—(1) Clause b of section 29 of *The Game and Fisheries* s, 29, cl. b, Act, 1946, is amended by adding at the end thereof the words amended. "or fox", so that the said clause shall now read as follows:
 - (b) molest, injure or destroy a den or usual place of fur-bearing habitation of any fur-bearing animal other than a skunk or fox.
- (2) Clause e of the said section 29 is amended by adding $_{\rm s.}^{1946,\,\rm c.}$ $_{\rm s.}^{23}$, after the word "Grenville" in the second line the word "Grey", amended, so that the said clause shall now read as follows:
 - (e) use snares for any purpose in the Counties of Carleton, Snares Prohibited Dundas, Durham, Frontenac, Glengarry, Grenville, in certain Grey, Halton, Hastings, Lanark, Leeds, Lennox and Addington, Northumberland, Ontario, Peel, Peterborough, Prescott, Prince Edward, Russell, Stormont, Victoria and York, provided that snares may be Proviso. used for the taking of wolves in the Townships of

Canonto and Palmerston in the County of Frontenac from the 1st day of December to the 30th day of April.

1946, c. 33, s. 54, subs. 2, amended.

12. Subsection 2 of section 54 of *The Game and Fisheries Act*, 1946, is amended by inserting after the word "Department" in the fourth line the words "or by the Department of Game and Fisheries", so that the said subsection shall now read as follows:

Lease of fishing rights.

(2) No lease or conveyance made on or after the 26th day of June, 1939, granting exclusive rights to any person in or along any stream or lake which has been stocked with fish of any variety by the Department or by the Department of Game and Fisheries at any time after the 1st day of May, 1934, shall be valid unless the lease or conveyance has been submitted to and approved by the Minister.

1946, c. 33, s. 58, subs. 4, cl. b, amended.

- **13**. Clause b of subsection 4 of section 58 of *The Game and Fisheries Act*, 1946, is amended by adding at the end thereof the words "or by the Department of Game and Fisheries", so that the said clause shall now read as follows:
 - (b) tear down, remove, injure, deface or interfere with any notice put up pursuant to this section or any notice or sign posted or placed by the Department or by The Department of Game and Fisheries.

1946, c. 33, s. 66, amended.

14. Section 66 of *The Game and Fisheries Act, 1946*, is amended by striking out the word "Minister" where it occurs in the first and sixth lines respectively, and inserting in lieu thereof the words "Deputy Minister", so that the said section shall now read as follows:

Refund of fees.

66. The Deputy Minister may direct the refund of the whole or any part of the fee paid for any licence, where, owing to the licence not having been used, or having been used for part only of the period for which it was issued, he deems it just, and the Treasurer of Ontario, upon the written request of the Deputy Minister, shall cause the refund to be made to the holder of the licence.

1946, c. 33, s. 72, amended.

- **15**. Section 72 of *The Game and Fisheries Act*, 1946, is amended by adding thereto the following clauses:
 - (aa) respecting the issue of licences to trap fur-bearing animals on Crown lands, providing for the transfer of such licences, and prescribing the conditions governing such transfers;

- (bb) prescribing the manner in which beaver skins or pelts shall be sealed or marked before sale;
- (dd) authorizing the council of any county designated by the Minister to declare open seasons for the hunting of foxes at any time from the 1st day of April to the 31st day of October in any year;
- (gg) prescribing the conditions under which birds, furbearing animals and game may be taken or killed in provincial parks, and prohibiting the use of motor boats for trolling in provincial parks;
- 16. This Act shall come into force on the day it receives Commencement of Act.
- 17. This Act may be cited as The Game and Fisheries Short title. Amendment Act, 1947.

In Act to amend The Game and Fisheries Act, 1946.

March 27th, 1947 1st Reading

2nd Reading March 31st, 1947

3rd Reading

April 2nd, 1947

Mr. Scorr

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Highway Traffic Act.

Mr. Doucett

TORONTO .
PRINTED AND PUBLISHED BY H. E. BROWN
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EXPLANATORY NOTES

Section 1. "Built-up area" is defined so that a speed limit may be prescribed for those portions of the highway which do not come within an urban municipality but which are of such a nature that a restriction on the general speed limit is warranted. See section 3 of the Bill.

"Fund" is defined for the purposes of the new Unsatisfied Judgment provisions which comprise Part XIIIA of the Act as enacted by section 16 of this Bill.

The definition of "regulations" is the customary definition which is found in many of the Acts.

SECTION 2. The alteration in the wording of subsection 1 of section 23, which is effected by this section of the Bill, is solely for the purpose of rendering the wording of the section consistent with other parts of the Act.

BILL

An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 1 of section 1 of *The Highway Traffic Act*, Rev. Stat., as amended by section 1 of *The Highway Traffic Amendment* subs. 1, *Act*, 1942, is further amended by relettering the present clause a as clause aa and by adding thereto the following clauses:
 - (a) "Built-up area" shall mean the territory contiguous "Built-up to a highway not within a city, town, village or area"; police village where,
 - (i) not less than fifty per centum of the frontage upon one side of the highway for a distance of not less than six hundred feet is occupied by dwellings or dwellings and buildings used for business purposes, or
 - (ii) not less than fifty per centum of the frontage upon both sides of the highway for a distance of not less than three hundred feet is occupied by dwellings or dwellings and buildings used for business purposes,

and signs are displayed as required by the regulations;

- (cc) "Fund" shall mean the Unsatisfied Judgment Fund "Fund" established under Part XIIIA;
- (nn) "Regulations" shall mean regulations made under "Regulations". this Act.
- 2. Subsection 1 of section 23 of The Highway Traffic Act, Rev. Stat., as amended by section 2 of The Highway Traffic Amendment Subs. 1, Act, 1943, is further amended by striking out the word "re-

voke" in the fifth line and inserting in lieu thereof the word "cancel", by striking out the words "during such suspension and until any such revocation shall be cancelled by the Minister" in the sixth and seventh lines, and by inserting after the word "chauffeur" in the eighth line the words "during such suspension, or in the case of a cancellation, until the the Minister approves", so that the said subsection shall now read as follows:

Power to cancel permit or license.

Rev. Stat., c. 289.

Power of minister to prohibit driving.

(1) The Minister may at any time for misconduct or violation of the provisions of this Act or *The Public Vehicle Act* or of any regulation thereunder by an owner; operator or chauffeur of a motor vehicle or for any reason which he may deem sufficient, suspend or cancel any permit or license, and no further or other license or permit shall be issued to such owner, operator or chauffeur during such suspension, or in the case of a cancellation, until the Minister approves, and the Minister may also for such misconduct or violation or reason prohibit any person from driving a motor vehicle for such period as he may deem advisable and any such person who drives a motor vehicle during the prohibited period shall incur a penalty not exceeding \$500.

Rev. Stat., c. 288, s. 26, re-enacted. 3. Section 26 of The Highway Traffic Act as amended by section 5 of The Highway Traffic Amendment Act, 1939, section 5 of The Highway Traffic Amendment Act, 1941, and section 3 of The Highway Traffic Amendment Act, 1946, is repealed and the following substituted therefor:

Rate of speed,—

- 26.—(1) No motor vehicle shall be operated at a greater rate of speed than,—
 - (a) fifty miles per hour,
 - (i) upon a highway not within a city, town, village, police village or built-up area, or
 - (ii) upon a highway designated by the Lieutenant-Governor in Council as a controlled access highway under *The Highway Improvement Act*, whether or not such highway is within a city, town, village, police village or built-up area;

Rev. Stat., c. 56.

(b) subject to clause a, thirty miles per hour upon a highway within a city, town, village, police village or built-up area;

. Section 3. The provisions of *The Highway Traffic Act* respecting speed limits throughout the Province are re-enacted and the new section 26 of the Act is self-explanatory.

Section 4. At present the penalties under this section are from \$5 to \$50 for a first offence and from \$10 to \$100 for a second or subsequent offence. These restrictions are simplified so that whether it is a first, second or subsequent offence the penalty may be rendered suitable within the limits prescribed. The final provision of the section authorizing the suspension of the license or permit is new.

SECTION 5. Section 29 of the Act, which relates to vehicles with solid tires, is no longer necessary in view of the re-enactment of section 26 above.

Section 6. Subsection 1 of section 30 of the Act is re-enacted to provide for the case of provincial highways and highways in territory without municipal organization. The form of notice which as prescribed in the Act is eliminated so that any form of notice of a speed limit legibly printed and posted in a conspicuous place at each end of a bridge will constitute compliance with the Act.

- (c) twenty miles per hour, over a level railway crossing; or
- (d) fifteen miles per hour if equipped wholly or in part with solid tires.
- (2) The council of any city, town or village may by in public by-law prescribe a lower speed limit for motor vehicles when operated in any public park or exhibition ground but such lower speed limit shall not be less than fifteen miles per hour.
- (3) Subsections 1 and 2 shall not apply to a motor ve-fire departhicle of a municipal fire department while proceeding vehicles. to a fire or answering a fire alarm call.
- (4) Any person who violates any of the provisions of this Penalty section or any by-law passed under this section shall be guilty of an offience and shall incur, for the first offence, a penalty of not less than \$5 and not more than \$50; for a second offence a penalty of not less than \$10 and not more than \$100, and in addition, his license or permit may be suspended for any period not exceeding three months, and for any subsequent offence shall incur a penalty of not less than \$20 and not more than \$200, and in addition, his license or permit may be suspended for any period not exceeding six months.
- 4. Subsection 1 of section 27 of The Highway Traffic Act, Rev. Stat., as re-enacted by section 6 of The Highway Traffic Amendment subs. 1, Act, 1939, and amended by section 6 of The Highway Traffic c. 20, s. 6). Amendment Act, 1941, is repealed and the following substituted therefor:
 - (1) Every person who drives a vehicle on a highway Careless without due care and attention or without reasonable consideration for other persons using the highway shall be guilty of an offence and shall be liable to a penalty of not less than \$5 and not exceeding \$100, or to imprisonment for a term not exceeding penalty. One month, and in addition his license or permit may be suspended for a period not exceeding six months.
 - 5. Section 29 of The Highway Traffic Act is repealed.

 Rev. Stat. c. 288, 8.2
- 6. Subsection 1 of section 30 of *The Highway Traffic Act* is Rev. Stat., amended by inserting after the word "highway" in second line subs. 1, the words "and in the case of a provincial highway or a high-amended. way in territory without municipal organization, the Lieu-

tenant-Governor in Council" and by striking out all the words after the word "bridge" in the sixth line, so that the said subsection shall now read as follows:

Regulations limiting speed on bridges.

(1) The municipal corporation or other authority having jurisdiction over the highway, and in the case of a provincial highway or a highway in territory without municipal organization, the Lieutenant-Governor in Council, may make regulations limiting any vehicle passing over a bridge to a speed of not less than five miles per hour, and notice of the limit of speed fixed by such regulation, legibly printed, shall be posted up in a conspicuous place at each end of the bridge.

Rev. Stat., c. 288, s. 31, subs. 1, amended.

7. Subsection 1 of section 31 of *The Highway Traffic Act* is amended by striking out the words and figures "Subject to the provisions of sections 29 and 30" in the first line, so that the said subsection shall now read as follows:

Unnecessary slow driving prohibited.

(1) No motor vehicle shall be driven upon a highway at such a slow rate of speed as to impede or block the normal and reasonable movement of traffic thereon except when such slow rate of speed is necessary for safe operation having regard to all the circumstances.

Rev. Stat., c. 288, s. 33, amended.

8. Section 33 of *The Highway Traffic Act*, as amended by section 7 of *The Highway Traffic Amendment Act*, 1941, is further amended by adding thereto the following subsection:

Weight of vehicles passing over bridge,—regulations as to.

(9) The Lieutenant-Governor in Council may make regulations limiting the weight of any vehicle passing over a bridge forming part of a provincial highway or a highway in territory without municipal organization and the requirements of subsection 8 with respect to the posting up of notice, shall apply thereto.

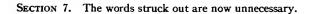
Rev. Stat., c. 288, s. 39, subs. 4, amended.

9. Subsection 4 of section 39 of *The Highway Traffic Act* is amended by striking out the words "three or more" in the first line, so that the said subsection, exclusive of the clauses, shall now read as follows:

Where highway divided into lanes.

(4) Where a highway has been divided into clearly marked lanes for traffic,—

Rev. Stat.. 10.—(1) Section 40 of *The Highway Traffic Act* is amended amended. by adding thereto the following subsection:



SECTION 8. The new subsection is self-explanatory. The provision presently in the Act (section 33, subsection 8) does not extend to those highways which are mentioned in the new subsection.

SECTION 9. As the rules prescribed in subsection 4 of section 39 for highways which have been divided into three or more clearly-marked lanes should apply also to highways which have been divided into two clearly marked lanes, that subsection is altered so that it will apply to highways which have been divided into two clearly marked lanes.

Section 10—Subsection 1. The new subsection 1a is self-explanatory. Municipal councils have similar powers with respect to streets in the municipality.

Subsection 2. This is complementary to subsection 1 of this section of the Bill.

Subsection 3. The new subsection 3a is self-explanatory.

Subsection 4. It is possible for a vehicle to be parked upon a highway although not upon the travelled portion thereof in such a manner that it interferes with the clearing of snow from the highway. Accordingly the prohibition against the parking of vehicles, as contained in subsection 7 of section 40, is altered so that its effect is not confined to the travelled portion of the highway.

Section 11. Cross references are brought into line with present provisions.

- (1a) The Lieutenant-Governor in Council may make Parking on regulations prohibiting or regulating the parking of highway. vehicles upon a provincial highway.
- (2) Subsection 2 of the said section 40 is amended by in-Rev. Stat., serting after the word "section" in the third line the words subsection shall now read as follows:
 - (2) Whenever a constable or an officer appointed for Removal of carrying out the provisions of this Act shall find a at provisions place. of this section or the regulations, he may move such vehicle or require the driver or operator or other person in charge of such vehicle to move the same.
- (3) The said section 40 is further amended by adding thereto Rev. Stat., c. 288, s. 40, amended.
 - (3a) No person shall park or leave any vehicle upon a Precaution highway unless he has taken such action as may be vehicle reasonably necessary in the circumstances to prevent in motion. the vehicle from moving or being set in motion.
- . (4) Subsection 7 of the said section 40, as enacted by Rev. Stat., section 5 of *The Highway Traffic Amendment Act*, 1946, is subs. 7. amended by striking out the words "the travelled portion of" c. 39, s. 5), in the third and fourth lines, so that the said subsection shall amended. now read as follows:
 - (7) Notwithstanding the provisions of this section no Vehicle person shall park or leave standing any vehicle with traffic. whether attended or unattended upon any highway in such a manner as to interfere with the movement of other traffic or the clearing of snow from such highway.
- 11. Subsection 2 of section 55 of *The Highway Traffic Act* Rev. Stat., is amended by inserting after the figure "7" in the fifth line subs. 2, the words and figures "subsection 2 of section 23" and by striking out the figures "51" in the sixth line and inserting in lieu thereof the figures "67", so that the said subsection shall now read as follows:
 - (2) Every constable or officer appointed for carrying out Arrests by the provisions of this Act, who, on reasonable and without probable grounds, believes that a violation of any warrant of the provisions of subsections 1 and 2 of section 4; subsections 1 and 3 of section 5; subsection 1 of section 6; subsection 1 of section 7; subsection 2 of section 23; section 27, 28, 32, 45 or 67 has been

committed, whether it has been committed or not and who, on reasonable and probable grounds, believes that any person has committed such violation, may arrest such person without warrant whether such person is guilty or not.

Rev. Stat., c. 288, s. 67, re-enacted.

12. Section 67 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty for operating vehicle when permit suspended or cancelled.

67.—(1) Any person who operates a motor vehicle the permit for which is under suspension or has been cancelled and any chauffeur or operator whose license is under suspension or has been cancelled who operates a motor vehicle shall incur for a first offence a penalty of not less than \$25 and not more than \$100, and shall also be liable to imprisonment for a term not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than \$100 and not more than \$500 and shall also be liable to imprisonment for a term not exceeding six months.

Forfeiture of vehicle on conviction.

(2) Where any person is convicted of operating a motor vehicle the permit for which is under suspension or has been cancelled, such motor vehicle shall be forfeited to His Majesty in right of Ontario.

Rev. Stat., c. 288, s. 78, subs. 1, re-enacted.

13.—(1) Subsection 1 of section 78 of The Highway Traffic Act, as amended by section 17 of The Highway Traffic Amendment Act, 1938, section 12 of The Highway Traffic Amendment Act, 1939, and section 16 of The Highway Traffic Amendment Act, 1941, is repealed and the following substituted therefor:

Licenses suspended for convictions.

- (1) The driver's license and owner's permit or permits of every person who has been convicted of, or committed for trial, or has forfeited his bail after having been arrested for any one of the following offences or violations of law, namely,—
 - (a) any offence for which a penalty is provided in this Act, if the death or injury to any person or property occurs in connection therewith;
 - (b) any offence under this Act if the penalty imposed includes suspension or revocation of the driver's license or owner's permit; or
 - (c) any offence under section 284, 285 or 377 of the *Criminal Code* (Canada) involving the use of a motor vehicle,

Section 12. The proposed subsection 1 of section 67 is similar to the present section 67 but is revised so as to cover cancellations as well as suspensions. Subsection 2, which is self-explanatory, is new.

Section 13—Subsection 1. The eight clauses contained in the present subsection 1 of section 78 are reduced to the three general clauses, $a,\,b$ and c. The effect is to extend the scope of the section and render its application more general and more uniform.

Subsection 2. The purpose of amending subsection 2 of section 78 is to change the word "Minister" to "Registrar" where it occurs in the eighth and ninth lines. The change is effected because the suspension provided for in the section is mandatory and in no sense discretionary.

Section 14. Subsection 1 of section 79 now applies only where property damage is in excess of \$25. As amended the section will apply in all cases regardless of the amount of the property damage. The word "Minister" is also changed to "Registrar" in line with the amendment effected by subsection 2 of section 13 of the Bill.

shall be forthwith suspended by the Registrar, and shall remain so suspended, and shall not, at any time thereafter, be renewed, nor shall any new driver's license, or owner's permit be thereafter issued to such person until he shall have given to the Registrar proof of his financial responsibility.

(2) Subsection 2 of the said section 78 is amended by strik-Rev. Stat., ing out the word "or" in the third line and inserting in lieu subs. 2. thereof the words "of, or committed for trial, or has", by striking out the word "Minister" in the seventh line and inserting in lieu thereof the word "Registrar" and by striking out the words "the said conviction" in the tenth and eleventh lines and inserting in lieu thereof the words "the conviction or committal", so that the said subsection shall now read as follows:

(2) Upon receipt by the Registrar of official notice that Conviction the holder of a driver's license, or owner's permit provinces under this Act, has been convicted of, or committed for trial, or has forfeited his bail, in any other province or state in respect of an offence, which, if committed in Ontario would have been, in substance and effect, an offence under, or a violation of the provisions of law mentioned in subsection 1, the Registrar shall suspend every driver's license and owner's permit or permits, of such person issued pursuant to this Act, until that person shall have given proof of financial responsibility in the same manner as if the conviction or committal had been made or the bail forfeited in Ontario.

14. Subsection 1 of section 79 of The Highway Traffic Act, Rev. Stat., as amended by section 18 of The Highway Traffic Amendment subs. 1. Act, 1938, is further amended by striking out the words, symbol and figures "in excess of \$25" in the eighth line and by striking out the word "Minister" in the tenth line and inserting in lieu thereof the word "Registrar", so that the said subsection shall now read as follows:

(1) Subject to the provisions of section 87, the driver's suspended license and owner's permit or permits, of every per-for failure son who fails to satisfy a judgment rendered against judgment. him by any court in Ontario, or in any other province of Canada, which has become final by affirmation on appeal or by expiry without appeal, of the time allowed for appeal, for damages on account of injury to, or death of any person, or on account of damage to property occasioned by a motor vehicle, within fifteen days from the date upon which such judgment became final, shall be forthwith suspended by

the Registrar, upon receiving a certificate of such final judgment from the court in which the same is rendered, and shall remain so suspended, and shall not at any time thereafter be renewed, nor shall any new driver's license or owner's permit be thereafter issued to such person until such judgment is satisfied or discharged (otherwise than by a discharge in bankruptcy) to the extent for which financial responsibility is required to be given under section 83 hereof, and until such person gives proof of his financial responsibility.

Rev. Stat., c. 288, s. 81, re-enacted.

15. Section 81 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Persons responsible for accidents.

- 81. The Minister may require proof of financial responsibility from any person where,—
 - (a) in the opinion of the Minister such person is responsible in whole or in part for a motor vehicle accident; or
 - (b) having regard to the records of the Department relating to such person, the Minister is of opinion that such requirement is desirable,

and may suspend all owners' permits and drivers' licenses in such cases until proof of financial responsibility has been given.

Rev. Stat., c. 288, amended. **16**.—(1) The Highway Traffic Act is amended by adding thereto the following Part:

PART XIIIA

Unsatisfied Judgment Fund. 93a.—(1) Upon the issue or renewal of a chauffeur's license or operator's license, there shall be payable to the Minister by the person to whom the license or renewal is issued, in addition to the fee prescribed for the license or renewal, such further fee, in this section referred to as the Unsatisfied Judgment Fund fee, as the Lieutenant-Governor in Council may prescribe and the Unsatisfied Judgment Fund fees shall constitute a fund to be known as the Unsatisfied Judgment Fund.

Amount of fee.

(2) The Lieutenant-Governor in Council, having regard to the condition of the Fund and the amount paid out of the Fund during any period, may,—

SECTION 15. Section 81 at present applies only where in the opinion of the Minister the person is responsible in whole or in part for a motor vehicle accident resulting in the death of or injury to any person or damage to property in excess of \$100. That portion of the section is carried, in an extended form, into clause a. Clause b introduces a new principle to take care of the situation where a person repeatedly is involved in minor infractions of the law.

SECTION 16. Part XIIIA is new.

Section 93a provides for an Unsatisfied Judgment Fund.

Sections 93b, 93c and 93d apply to judgments in Ontario Courts given in actions arising out of the death of or injury to a person or damage to property occasioned by a motor vehicle in Ontario. They provide for payment out of the Fund of the amount of the judgment up to certain limitations as indicated in subsections 5 and 6 of section 93b, where it is established to the satisfaction of a judge of the Supreme Court that it is impossible to collect the amount of the judgment from the judgment debtor. Where the license or permit of such a judgment debtor has been suspended, it remains suspended until he has reimbursed the Fund and filed proof of his financial responsibility.

- (a) prescribe such Unsatisfied Judgment Fund fee not exceeding \$1 as he may deem adequate; or
- (b) suspend payment of the Unsatisfied Judgment Fund fee for such period as he may prescribe.
- 93b.—(1) Where any person recovers in any court in directing Ontario a judgment for damages on account of payment of injury to, or the death of any person or damage to judgment. property occasioned by a motor vehicle owned or operated by the judgment debtor within Ontario, upon the determination of all proceedings including appeals and upon notice to the Minister, such judgment creditor may apply by way of originating notice to a judge of the Supreme Court for an order directing payment of the amount of the judgment or the unsatisfied portion thereof out of the Fund.
- (2) Upon the hearing of the application the applicant Hearing of shall show.—
 - (a) that he has obtained a judgment as set out in subsection 1 stating the amount thereof and the amount owing thereon at the date of the application;
 - (b) that he has caused to be issued a writ of fieri facias or execution, and that,
 - (i) the sheriff or bailiff has made a return showing that no goods of the judgment debtor liable to be seized in satisfaction of the judgment debt could be found, or
 - (ii) the amount realized on the sale of goods seized, or otherwise realized, was insufficient to satisfy the judgment stating the amount so realized and the balance remaining due on the judgment after application thereon of the amount realized;
 - (c) that he has caused the judgment debtor to be examined, pursuant to the law for that purpose provided, touching his estate and effects and his property and means, and in particular as to whether the judgment debtor is insured under a policy of insurance by the terms of which the insurer is liable to pay in whole or in part, the amount of the judgment;

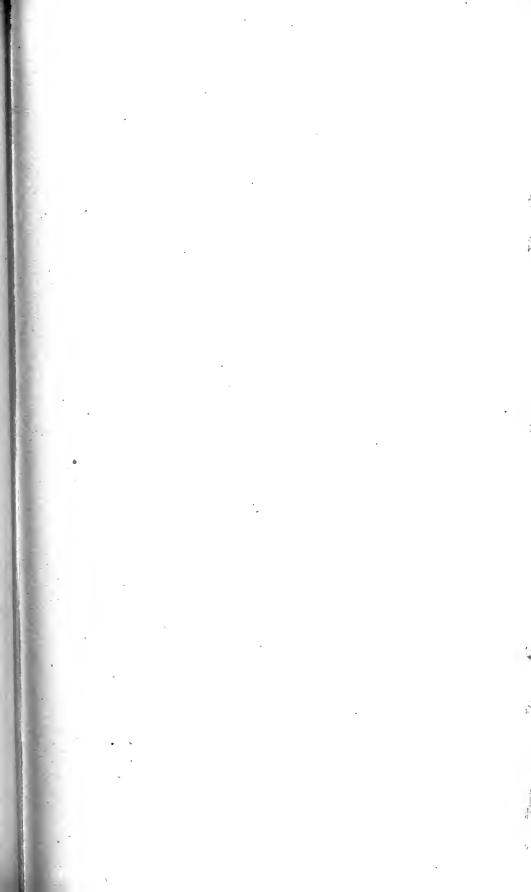
- (d) that he has made exhaustive searches and inquiries to ascertain whether the judgment debtor is possessed of assets, real or personal, liable to be sold or applied in satisfaction of the judgment; and
- (e) that, by such searches, inquiries and examination,
 - (i) he has learned of no assets, real or personal, possessed by the judgment debtor and liable to be sold or applied in satisfaction of the judgment debt, or
 - (ii) he learned of certain assets, describing them, owned by the judgment debtor and liable to be seized or applied in satisfaction of the judgment, and has taken all necessary actions and proceedings for the realization thereof, and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized.

Minister may be heard on application.

(3) The Minister may appear and be heard on the application and may show cause why the order should not be made.

Order of judge directing payment from Fund.

- (4) If the judge is satisfied,—
 - (a) of the truth of the matters shown by the applicant as required by subsection 2;
 - (b) that the applicant has taken all reasonable steps to learn what means of satisfying the judgment are possessed by the judgment debtor; and
 - (c) that there is good reason for believing that the judgment debtor,
 - (i) has no assets liable to be sold or applied in satisfaction of the judgment or of the balance owing thereon, and
 - (ii) is not insured under a policy of insurance by the terms of which the insurer





is liable to pay, in whole or in part, the amount of the judgment,

the judge may make an order directed to the Minister requiring him, subject to subsection 5, to pay from the Fund the amount of the judgment or the balance owing thereon.

- (5) The Minister shall not pay out of the Fund under an Amount of payments from Fund.
 - (a) more than \$5,000, exclusive of costs, on account of injury to or the death of one person, and subject to such limit for any one person so injured or killed, not more than \$10,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident; and
 - (b) not more than \$1,000, exclusive of costs, for damage to property resulting from any one accident.
- (6) The Minister shall not pay out of the Fund, costs, Costs, including costs of the application made under this section, of more than actual disbursements and fees as taxed on a party and party basis.
- 93c. The Minister shall not pay from the Fund any sum Assignment in compliance with an order made under section 93b to Minister. until the judgment creditor assigns the judgment to him.
- 93d. Where the chauffeur's license or operator's license Cancellation of any person, or the owner's permit of a motor of license. vehicle registered in his name, has been suspended or cancelled under this Act, and the Minister has paid out of the Fund any amount in or towards satisfaction of a judgment or costs, or both, obtained against that person, the cancellation or suspension shall not be removed, nor the license or permit restored, nor shall any new license or permit be issued to such person until he has,—
 - (a) repaid in full to the Fund the amount paid out together with interest thereon at four per centum per annum from the date of such payment; and
 - (b) filed proof of his financial responsibility as required by Part XIII.

Where identity of vehicle cannot be established.

- 93e.—(1) Where the death of or injury to any person is occasioned in Ontario by a motor vehicle but the identity of the motor vehicle and of the driver and owner thereof cannot be established, any person who would have a cause of action against the owner or driver in respect of such death or injury may, upon notice to the Registrar, apply by way of originating notice,—
 - (a) to a judge or local judge of the Supreme Court for an order permitting him to bring an action against the Registrar of Motor Vehicles in the Supreme Court; or
 - (b) to a judge of a county or district court for an order permitting him to bring an action against the Registrar of Motor Vehicles in such court or in a division court of the same county or district.

Order for action against Registrar.

- (2) Where the judge is satisfied that,—
 - (a) the applicant would have a cause of action against the owner or driver of the motor vchicle in respect of the death or injury oceasioned by the motor vehicle;
 - (b) all reasonable efforts have been made to ascertain the identity of the motor vehicle and of the owner and driver thereof; and
 - (c) the identity of the motor vehicle and the owner and driver thereof have not been established.

he may make an order permitting the applicant to bring an action against the Registrar.

When Registrar deemed defendant.

93f. In an action brought under section 93e the Registrar shall for all purposes of the action be deemed to be the defendant.

Where judgment obtained against Registrar.

93g.—(1) Where judgment is obtained against the Registrar in an action brought under section 93e upon the determination of all proceedings including appeals, the Minister may subject to subsection 2, pay out of the Fund to the plaintiff in the action the amount thereof.

Amount of payment out of Fund.

(2) The Minister shall not pay out of the Fund under any judgment, more than \$5,000, exclusive of costs,

The new sections 93e, 93f, 93g and 93h provide that where the death of or injury to a person has been occasioned by a motor vehicle and the identity of the motor vehicle, the owner and the driver cannot be established, action may be brought against the Registrar of Motor Vehicles in the appropriate court. The amount of any judgment obtained is, with limitations as to amount as set out in subsections 2 and 3 of section 93g, paid out of the Fund.

The new section 93i prescribes the practice and procedure to be followed in applications and actions brought under Part XIIIA.

on account of injury to or the death of one person, and subject to such limit for any one person so injured or killed, not more than \$10,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident.

- (3) The Minister shall not pay out of the Fund, costs, costs. including costs of the application made under section 93e, of more than actual disbursements and fees as taxed on a party and party basis.
- 93h.—(1) Where judgment has been obtained against Order of Supreme the Registrar in an action brought under section 93e, Court as the Registrar may at any time thereafter, by origin-or driver. ating notice, apply,—
 - (a) where judgment has been obtained in the Supreme Court, to a judge or local judge thereof;
 - (b) where judgment has been obtained in a county or district court, to a judge thereof; and
 - (c) where judgment has been obtained in a division court of a county or district, to a judge of the county or district court of the county or district,

for an order declaring that any person was, at the time of the accident, the owner or driver of the motor vehicle which occasioned the death or injury in respect of which the judgment was obtained.

- (2) Upon the making of an order declaring that any per-Owner or driver son was the owner or driver of a motor vehicle,—

 defendant in action.
 - (a) such person shall for the purposes of this Act be deemed to be the defendant in the action in which judgment was given against the Registrar, and the judgment against the Registrar shall be deemed to be a judgment against such person; and
 - (b) the Minister shall be deemed to have a judgment against such person for the amount of all moneys paid out of the fund in respect of the judgment and shall accordingly have all the rights of a judgment creditor including the right to recover any moneys which would have been payable in respect of the death or

injury under any policy of insurance which was in force at the time of the accident.

Practice and procedure.

93i. The practice and procedure of the Supreme Court or the court in which the application or action is brought, including the right of appeal and the practice and procedure relating to appeals, shall apply to an application or action brought under this Part.

Application of Part XIIIA.

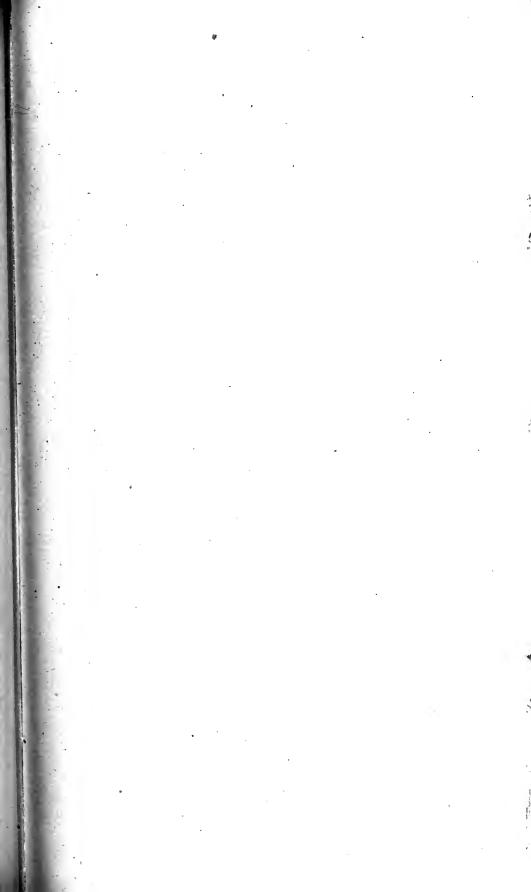
(2) Part XIIIA shall apply only to motor vehicle accidents occurring in Ontario after the date of the coming into force of the said Part.

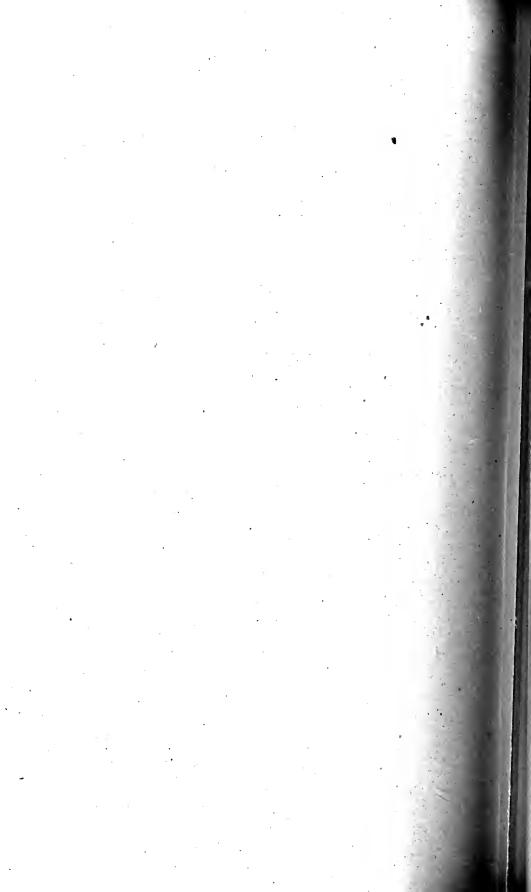
Commencement of section.

(3) This section shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commencement of Act. This Act, except section 16, shall come into force on the 1st day of July, 1947.

Short title. **18**. This Act may be cited as The Highway Traffic Amendment Act, 1947.







An Act to amend The Highway Traffic Act.

1st Reading

March 28th, 1947

2nd Reading

3rd Reading

Mr. Doucett

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Highway Traffic Act.

MR. DOUCETT



No. 137

1947

BILL

An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 1 of section 1 of The Highway Traffic Act, Rev. Stat., as amended by section 1 of The Highway Traffic Amendment subs. 1. Act, 1942, is further amended by relettering the present clause a as clause aa and by adding thereto the following clauses:
 - (a) "Built-up area" shall mean the territory contiguous "Built-up to a highway not within a city, town, village or area"; police village where,
 - (i) not less than fifty per centum of the frontage upon one side of the highway for a distance of not less than six hundred feet is occupied by dwellings or dwellings and buildings used for business purposes, or
 - (ii) not less than fifty per centum of the frontage upon both sides of the highway for a distance of not less than three hundred feet is occupied by dwellings or dwellings and buildings used for business purposes,

and signs are displayed as required by the regula-tions;

- (cc) "Fund" shall mean the Unsatisfied Judgment Fund "Fund"; established under Part XIIIA;
- (nn) "Regulations" shall mean regulations made under "Regulations" this Act.
- 2. Subsection 1 of section 23 of *The Highway Traffic Act*, Rev. Stat., as amended by section 2 of *The Highway Traffic Amendment* subs. 1, amended. *Act*, 1943 i further amended by striking out the word "re-

voke" in the fifth line and inserting in lieu thereof the word "cancel", by striking out the words "during such suspension and until any such revocation shall be cancelled by the Minister" in the sixth and seventh lines, and by inserting after the word "chauffeur" in the eighth line the words "during such suspension, or in the case of a cancellation, until the the Minister approves", so that the said subsection shall now read as follows:

Power to cancel permit or license.

Rev. Stat., c. 289.

Power of minister to prohibit driving.

(1) The Minister may at any time for misconduct or violation of the provisions of this Act or *The Public Vehicle Act* or of any regulation thereunder by an owner, operator or chauffeur of a motor vehicle or for any reason which he may deem sufficient, suspend or cancel any permit or license, and no further or other license or permit shall be issued to such owner, operator or chauffeur during such suspension, or in the case of a cancellation, until the Minister approves, and the Minister may also for such misconduct or violation or reason prohibit any person from driving a motor vehicle for such period as he may deem advisable and any such person who drives a motor vehicle during the prohibited period shall incur a penalty not exceeding \$500.

Rev. Stat., c. 288, s. 26, re-enacted.

3. Section 26 of The Highway Traffic Act as amended by section 5 of The Highway Traffic Amendment Act, 1939, section 5 of The Highway Traffic Amendment Act, 1941, and section 3 of The Highway Traffic Amendment Act, 1946, is repealed and the following substituted therefor:

Rate of speed,—

- 26.—(1) No motor vehicle shall be operated at a greater rate of speed than,—
 - (a) fifty miles per hour,
 - (i) upon a highway not within a city, town, village, police village or built-up area, or
 - (ii) upon a highway designated by the Lieutenant-Governor in Council as a controlled access highway under *The Highway Improvement Act*, whether or not such highway is within a city, town, village, police village or built-up area;

Rev. Stat., c. 56.

(b) subject to clause a, thirty miles per hour upon a highway within a city, town, village, police village or built-up area;

- (c) twenty miles per hour over a level railway crossing; or
- (d) fifteen miles per hour if equipped wholly or in part with solid tires.
- (2) The council of any city, town or village may by in public by-law prescribe a lower speed limit for motor vehicles when operated in any public park or exhibition ground but such lower speed limit shall not be less than fifteen miles per hour.
- (3) Subsections 1 and 2 shall not apply to a motor ve-fire departhicle of a municipal fire department while proceeding vehicles. to a fire or answering a fire alarm call.
- (4) Any person who violates any of the provisions of this Penalty. section or any by-law passed under this section shall be guilty of an offience and shall incur, for the first offence, a penalty of not less than \$5 and not more than \$50; for a second offence a penalty of not less than \$10 and not more than \$100, and in addition, his license or permit may be suspended for any period not exceeding three months, and for any subsequent offence shall incur a penalty of not less than \$20 and not more than \$200, and in addition, his license or permit may be suspended for any period not exceeding six months.
- 4. Subsection 1 of section 27 of The Highway Traffic Act, Rev. Stat., as re-enacted by section 6 of The Highway Traffic Amendment subs. 1. Act, 1939, and amended by section 6 of The Highway Traffic c. 20, s. 6). Amendment Act, 1941, is repealed and the following substituted therefor:
 - (1) Every person who drives a vehicle on a highway Careless without due care and attention or without reasonable consideration for other persons using the highway shall be guilty of an offence and shall be liable to a penalty of not less than \$5 and not exceeding \$100, or to imprisonment for a term not exceeding penalty. One month, and in addition his license or permit may be suspended for a period not exceeding six months.
 - 5. Section 29 of The Highway Traffic Act is repealed.

Rev. Stat., c. 288, s. 29, repealed.

6. Subsection 1 of section 30 of *The Highway Traffic Act* is Rev. Stat., amended by inserting after the word "highway" in second line subs. 1, the words "and in the case of a provincial highway or a high-amended. way in territory without municipal organization, the Lieu-

tenant-Governor in Council" and by striking out all the words after the word "bridge" in the sixth line, so that the said subsection shall now read as follows:

Regulations limiting speed on bridges.

(1) The municipal corporation or other authority having jurisdiction over the highway, and in the case of a provincial highway or a highway in territory without municipal organization, the Lieutenant-Governor in Council, may make regulations limiting any vehicle passing over a bridge to a speed of not less than five miles per hour, and notice of the limit of speed fixed by such regulation, legibly printed, shall be posted up in a conspicuous place at each end of the bridge.

Rev. Stat., c. 288, s. 31, subs. 1, amended.

7. Subsection 1 of section 31 of *The Highway Traffic Act* is amended by striking out the words and figures "Subject to the provisions of sections 29 and 30" in the first line, so that the said subsection shall now read as follows:

Unnecessarily slow driving prohibited.

(1) No motor vehicle shall be driven upon a highway at such a slow rate of speed as to impede or block the normal and reasonable movement of traffic thereon except when such slow rate of speed is necessary for safe operation having regard to all the circumstances.

Rev. Stat., c. 288, s. 33, amended.

8. Section 33 of The Highway Traffic Act, as amended by section 7 of The Highway Traffic Amendment Act, 1941, is further amended by adding thereto the following subsection:

Weight of vehicles passing over bridge,—regulations as to.

(9) The Lieutenant-Governor in Council may make regulations limiting the weight of any vehicle passing over a bridge forming part of a provincial highway or a highway in territory without municipal organization and the requirements of subsection 8 with respect to the posting up of notice, shall apply thereto.

Rev. Stat., c. 288, s. 39, subs. 4, amended.

9. Subsection 4 of section 39 of *The Highway Traffic Act* is amended by striking out the words "three or more" in the first line, so that the said subsection, exclusive of the clauses, shall now read as follows:

Where highway divided into lanes.

(4) Where a highway has been divided into clearly marked lanes for traffic,—

Rev. Stat., 0.—(1) Section 40 of *The Highway Traffic Act* is amended amended. by adding thereto the following subsection:

- (1a) The Lieutenant-Governor in Council may make Parking on regulations prohibiting or regulating the parking of highway. vehicles upon a provincial highway.
- (2) Subsection 2 of the said section 40 is amended by in-Rev. Stat., serting after the word "section" in the third line the words subs. 2. "or the regulations", so that the said subsection shall now read as follows:
 - (2) Whenever a constable or an officer appointed for Removal of carrying out the provisions of this Act shall find a at provehicle upon a highway in violation of the provisions place. of this section or the regulations, he may move such vehicle or require the driver or operator or other person in charge of such vehicle to move the same.
- (3) The said section 40 is further amended by adding thereto Rev. Stat., the following subsection:

 Co. 288, S. 40, amended.
 - (3a) No person shall park or leave any vehicle upon a Precaution highway unless he has taken such action as may be vehicle reasonably necessary in the circumstances to prevent in motion. the vehicle from moving or being set in motion.
- (4) Subsection 7 of the said section 40, as enacted by Rev. Stat., section 5 of *The Highway Traffic Amendment Act*, 1946, is subs. 7, amended by striking out the words "the travelled portion of" (1946, is 1946, in the third and fourth lines, so that the said subsection shall amended. now read as follows:
 - (7) Notwithstanding the provisions of this section no Vehicle person shall park or leave standing any vehicle with traffic whether attended or unattended upon any highway in such a manner as to interfere with the movement of other traffic or the clearing of snow from such highway.
- 11. Subsection 2 of section 55 of *The Highway Traffic Act* ^{Rev. Stat.}, is amended by inserting after the figure "7" in the fifth line subs. 2. the words and figures "subsection 2 of section 23" and by striking out the figures "51" in the sixth line and inserting in lieu thereof the figures "67", so that the said subsection shall now read as follows:
 - (2) Every constable or officer appointed for carrying out Arrests' by the provisions of this Act, who, on reasonable and without probable grounds, believes that a violation of any of the provisions of subsections 1 and 2 of section 4; subsections 1 and 3 of section 5; subsection 1 of section 6; subsection 1 of section 7; subsection 2 of section 23; section 27, 28, 32, 45 or 67 has been

committed, whether it has been committed or not and who, on reasonable and probable grounds, believes that any person has committed such violation, may arrest such person without warrant whether such person is guilty or not.

Rev. Stat., c. 288, s. 67, re-enacted.

12. Section 67 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty for operating vehicle when permit suspended or cancelled.

67.—(1) Any person who operates a motor vehicle the permit for which is under suspension or has been cancelled and any chauffeur or operator whose license is under suspension or has been cancelled who operates a motor vehicle shall incur for a first offence a penalty of not less than \$25 and not more than \$100, and shall also be liable to imprisonment for a term not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than \$100 and not more than \$500 and shall also be liable to imprisonment for a term not exceeding six months.

Forfeiture of vehicle on conviction.

(2) Where any person is convicted of operating a motor vehicle the permit for which is under suspension or has been cancelled, such motor vehicle shall be forfeited to His Majesty in right of Ontario.

Rev. Stat., c. 288, s. 78, subs. 1, re-enacted.

13.—(1) Subsection 1 of section 78 of The Highway Traffic Act, as amended by section 17 of The Highway Traffic Amendment Act, 1938, section 12 of The Highway Traffic Amendment Act, 1939, and section 16 of The Highway Traffic Amendment Act, 1941, is repealed and the following substituted therefor:

Licenses suspended for convictions.

- (1) The driver's license and owner's permit or permits of every person who has been convicted of, or committed for trial, or has forfeited his bail after having been arrested for any one of the following offences or violations of law, namely,—
 - (a) any offence for which a penalty is provided in this Act, if the death or injury to any person or property occurs in connection therewith;
 - (b) any offence under this Act if the penalty imposed includes suspension or revocation of the driver's license or owner's permit; or
 - (c) any offence under section 284, 285 or 377 of the *Criminal Code* (Canada) involving the use of a motor vehicle,

shall be forthwith suspended by the Registrar, and shall remain so suspended, and shall not, at any time thereafter, be renewed, nor shall any new driver's license, or owner's permit be thereafter issued to such person until he shall have given to the Registrar proof of his financial responsibility.

- (2) Subsection 2 of the said section 78 is amended by strik-Rev. Stat... ing out the word "or" in the third line and inserting in lieu subs. 2. thereof the words "of, or committed for trial, or has", by striking out the word "Minister" in the seventh line and inserting in lieu thereof the word "Registrar" and by striking out the words "the said conviction" in the tenth and eleventh lines and inserting in lieu thereof the words "the conviction or committal", so that the said subsection shall now read as follows:
 - (2) Upon receipt by the Registrar of official notice that Conviction the holder of a driver's license, or owner's permit provinces or states. under this Act, has been convicted of, or committed for trial, or has forfeited his bail, in any other province or state in respect of an offence, which, if committed in Ontario would have been, in substance and effect, an offence under, or a violation of the provisions of law mentioned in subsection 1, the Registrar shall suspend every driver's license and owner's permit or permits, of such person issued pursuant to this Act, until that person shall have given proof of financial responsibility in the same manner as if the conviction or committal had been made or the bail forfeited in Ontario.
- 14. Subsection 1 of section 79 of The Highway Traffic Act, Rev. Stat., as amended by section 18 of The Highway Traffic Amendment subs. 1, amended. Act, 1938, is further amended by striking out the words. symbol and figures "in excess of \$25" in the eighth line and by striking out the word "Minister" in the tenth line and inserting in lieu thereof the word "Registrar", so that the said subsection shall now read as follows:
 - (1) Subject to the provisions of section 87, the driver's suspended license and owner's permit or permits, of every per-for failure son who fails to satisfy a judgment rendered against judgment. him by any court in Ontario, or in any other province of Canada, which has become final by affirmation on appeal or by expiry without appeal, of the time allowed for appeal, for damages on account of injury to, or death of any person, or on account of damage to property occasioned by a motor vehicle, within fifteen days from the date upon which such judgment became final, shall be forthwith suspended by

the Registrar, upon receiving a certificate of such final judgment from the court in which the same is rendered, and shall remain so suspended, and shall not at any time thereafter be renewed, nor shall any new driver's license or owner's permit be thereafter issued to such person until such judgment is satisfied or discharged (otherwise than by a discharge in bankruptcy) to the extent for which financial responsibility is required to be given under section 83 hereof, and until such person gives proof of his financial responsibility.

Rev. Stat., o. 288, s. 81, re-enacted. **15.** Section 81 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Persons responsible for accidents.

- 81. The Minister may require proof of financial responsibility from any person where,—
 - (a) in the opinion of the Minister such person is responsible in whole or in part for a motor vehicle accident; or
 - (b) having regard to the records of the Department relating to such person, the Minister is of opinion that such requirement is desirable,

and may suspend all owners' permits and drivers' licenses in such cases until proof of financial responsibility has been given.

Rev. Stat., c. 288. amended. 16.—(1) The Highway Traffic Act is amended by adding thereto the following Part:

PART XIIIA

Unsatisfied Judgment Fund.

93a.—(1) Upon the issue or renewal of a chauffeur's license or operator's license, there shall be payable to the Minister by the person to whom the license or renewal is issued, in addition to the fee prescribed for the license or renewal, such further fee, in this section referred to as the Unsatisfied Judgment Fund fee, as the Lieutenant-Governor in Council may prescribe and the Unsatisfied Judgment Fund fees shall constitute a fund to be known as the Unsatisfied Judgment Fund.

Amount of fee.

(2) The Lieutenant-Governor in Council, having regard to the condition of the Fund and the amount paid out of the Fund during any period, may,—

- (a) prescribe such Unsatisfied Judgment Fund fee not exceeding \$1 as he may deem adequate; or
- (b) suspend payment of the Unsatisfied Judgment Fund fee for such period as he may prescribe.
- 93b.—(1) Where any person recovers in any court in directing Ontario a judgment for damages on account of payment of injury to, or the death of any person or damage to judgment. property occasioned by a motor vehicle owned or operated by the judgment debtor within Ontario, upon the determination of all proceedings including appeals and upon notice to the Minister, such judgment creditor may apply by way of originating notice to a judge of the Supreme Court for an order directing payment of the amount of the judgment or the unsatisfied portion thereof out of the Fund.
- (2) Upon the hearing of the application the applicant Hearing of shall show.—
 - (a) that he has obtained a judgment as set out in subsection 1 stating the amount thereof and the amount owing thereon at the date of the application;
 - (b) that he has caused to be issued a writ of fieri facias or execution, and that,
 - (i) the sheriff or bailiff has made a return showing that no goods of the judgment debtor liable to be seized in satisfaction of the judgment debt could be found, or
 - (ii) the amount realized on the sale of goods seized, or otherwise realized, was insufficient to satisfy the judgment stating the amount so realized and the balance remaining due on the judgment after application thereon of the amount realized;
 - (c) that he has caused the judgment debtor to be examined, pursuant to the law for that purpose provided, touching his estate and effects and his property and means, and in particular as to whether the judgment debtor is insured under a policy of insurance by the terms of which the insurer is liable to pay in whole or in part, the amount of the judgment;

- (d) that he has made exhaustive searches and inquiries to ascertain whether the judgment debtor is possessed of assets, real or personal, liable to be sold or applied in satisfaction of the judgment; and
- (e) that, by such searches, inquiries and examination.
 - (i) he has learned of no assets, real or personal, possessed by the judgment debtor and liable to be sold or applied in satisfaction of the judgment debt, or
 - (ii) he learned of certain assets, describing them, owned by the judgment debtor and liable to be seized or applied in satisfaction of the judgment, and has taken all necessary actions and proceedings for the realization thereof, and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized.

Minister may be heard on application.

(3) The Minister may appear and be heard on the application and may show cause why the order should not be made.

Order of judge directing payment from Fund.

- (4) If the judge is satisfied,—
 - (a) of the truth of the matters shown by the applicant as required by subsection 2;
 - (b) that the applicant has taken all reasonable steps to learn what means of satisfying the judgment are possessed by the judgment debtor; and
 - (c) that there is good reason for believing that the judgment debtor,
 - (i) has no assets liable to be sold or applied in satisfaction of the judgment or of the balance owing thereon, and
 - (ii) is not insured under a policy of insurance by the terms of which the insurer

is liable to pay, in whole or in part, the amount of the judgment,

the judge may make an order directed to the Minister requiring him, subject to subsection 5, to pay from the Fund the amount of the judgment or the balance owing thereon.

- (5) The Minister shall not pay out of the Fund under an Amount of payments from Fund.
 - (a) more than \$5,000, exclusive of costs, on account of injury to or the death of one person, and subject to such limit for any one person so injured or killed, not more than \$10,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident; and
 - (b) not more than \$1,000, exclusive of costs, for damage to property resulting from any one accident.
- (6) The Minister shall not pay out of the Fund, costs, Costs. including costs of the application made under this section, of more than actual disbursements and fees as taxed on a party and party basis.
- 93c. The Minister shall not pay from the Fund any sum Assignment in compliance with an order made under section 93b to Minister. until the judgment creditor assigns the judgment to him.
- 93d. Where the chauffeur's license or operator's license Cancellation of any person, or the owner's permit of a motor of license. vehicle registered in his name, has been suspended or cancelled under this Act, and the Minister has paid out of the Fund any amount in or towards satisfaction of a judgment or costs, or both, obtained against that person, the cancellation or suspension shall not be removed, nor the license or permit restored, nor shall any new license or permit be issued to such person until he has,—
 - (a) repaid in full to the Fund the amount paid out together with interest thereon at four per centum per annum from the date of such payment; and
 - (b) filed proof of his financial responsibility as required by Part XIII.

Where identity of vehicle cannot be established.

- 93e.—(1) Where the death of or injury to any person is occasioned in Ontario by a motor vehicle but the identity of the motor vehicle and of the driver and owner thereof cannot be established, any person who would have a cause of action against the owner or driver in respect of such death or injury may, upon notice to the Registrar, apply by way of originating notice,—
 - (a) to a judge or local judge of the Supreme Court for an order permitting him to bring an action against the Registrar of Motor Vehicles in the Supreme Court; or
 - (b) to a judge of a county or district court for an order permitting him to bring an action against the Registrar of Motor Vehicles in such court or in a division court of the same county or district.

Order for action against Registrar.

- (2) Where the judge is satisfied that,—
 - (a) the applicant would have a cause of action against the owner or driver of the motor vchicle in respect of the death or injury oceasioned by the motor vehicle;
 - (b) all reasonable efforts have been made to ascertain the identity of the motor vehicle and of the owner and driver thereof; and
 - (c) the identity of the motor vehicle and the owner and driver thereof have not been established,

he may make an order permitting the applicant to bring an action against the Registrar.

When Registrar deemed defendant.

93f. In an action brought under section 93e the Registrar shall for all purposes of the action be deemed to be the defendant.

Where judgment obtained against Registrar.

93g.—(1) Where judgment is obtained against the Registrar in an action brought under section 93e upon the determination of all proceedings including appeals, the Minister may subject to subsection 2, pay out of the Fund to the plaintiff in the action the amount thereof.

Amount of payment out of Fund.

(2) The Minister shall not pay out of the Fund under any judgment, more than \$5,000, exclusive of costs,

on account of injury to or the death of one person, and subject to such limit for any one person so injured or killed, not more than \$10,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident.

- (3) The Minister shall not pay out of the Fund, costs, Costs. including costs of the application made under section 93e, of more than actual disbursements and fees as taxed on a party and party basis.
- 93h.—(1) Where judgment has been obtained against Order of Supreme the Registrar in an action brought under section 93e, Court as the Registrar may at any time thereafter, by origin-or driver. ating notice, apply,—
 - (a) where judgment has been obtained in the Supreme Court, to a judge or local judge thereof:
 - (b) where judgment has been obtained in a county or district court, to a judge thereof; and
 - (c) where judgment has been obtained in a division court of a county or district, to a judge of the county or district court of the county or district,

for an order declaring that any person was, at the time of the accident, the owner or driver of the motor vehicle which occasioned the death or injury in respect of which the judgment was obtained.

- (2) Upon the making of an order declaring that any per-Owner or son was the owner or driver of a motor vehicle,—defendant in action.
 - (a) such person shall for the purposes of this Act be deemed to be the defendant in the action in which judgment was given against the Registrar, and the judgment against the Registrar shall be deemed to be a judgment against such person; and
 - (b) the Minister shall be deemed to have a judgment against such person for the amount of all moneys paid out of the fund in respect of the judgment and shall accordingly have all the rights of a judgment creditor including the right to recover any moneys which would have been payable in respect of the death or

injury under any policy of insurance which was in force at the time of the accident.

Practice and procedure.

93i. The practice and procedure of the Supreme Court or the court in which the application or action is brought, including the right of appeal and the practice and procedure relating to appeals, shall apply to an application or action brought under this Part.

Application of Part XIIIA.

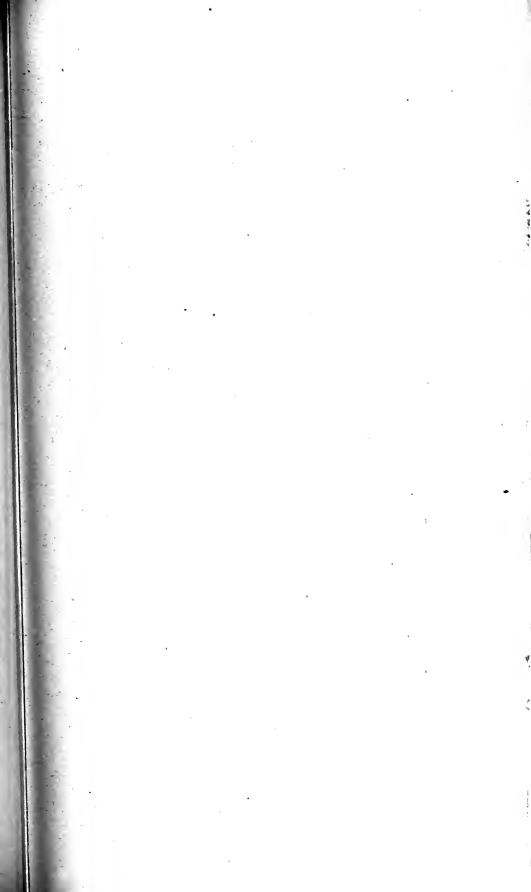
(2) Part XIIIA shall apply only to motor vehicle accidents occurring in Ontario after the date of the coming into force of the said Part.

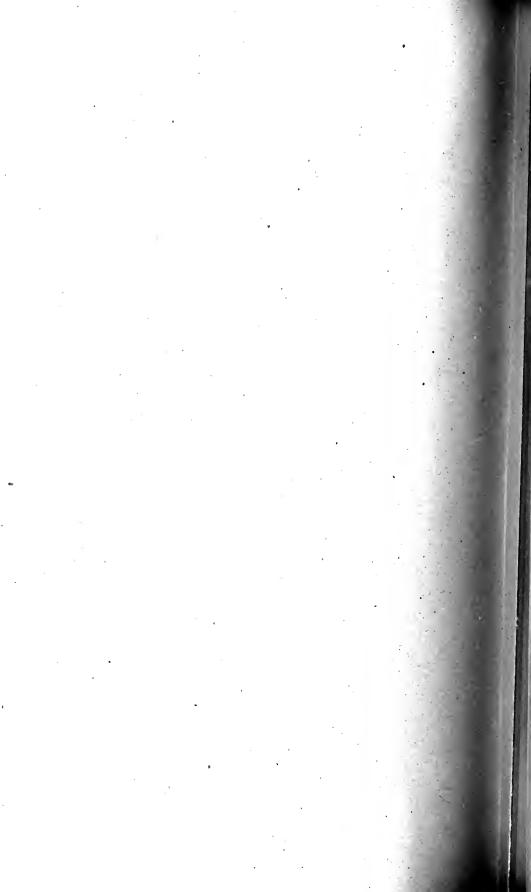
Commencement of section.

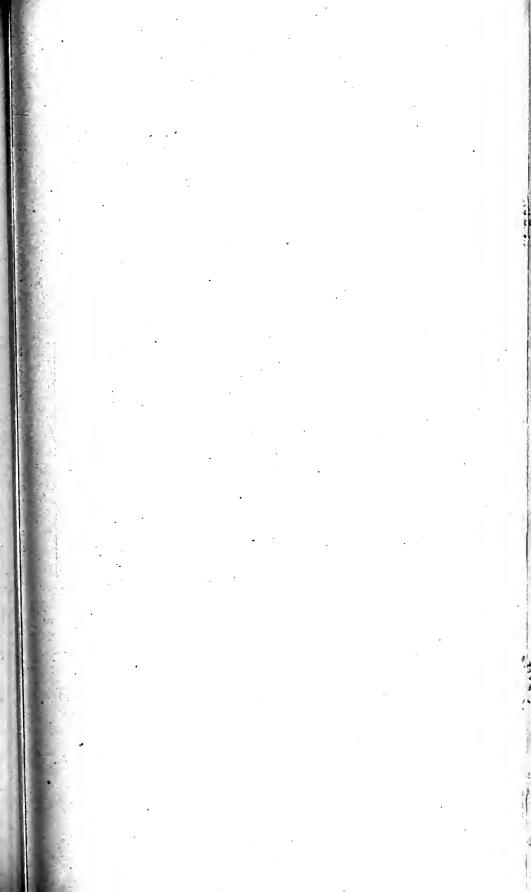
(3) This section shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commencement of Act. This Act, except section 16, shall come into force on the 1st day of July, 1947.

Short title. 18. This Act may be cited as The Highway Traffic Amendment Act, 1947.







An Act to amend The Highway Traffic Act.

Act.

Ist Reading

2nd Reading

March 28th, 1947

March 31st, 1947

3rd Reading April 3rd, 1947

Mr. Doucett

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Police Act, 1946.

Mr. Blackwell

EXPLANATORY NOTES

Section 1. Association is defined for the purposes of the bargaining and arbitration provisions which are enacted by section 10 of this Bill.

Section 2. The provision which permits a Crown attorney to request the Provincial Police to aid local police is deleted. The provisions for obtaining the use of members of the Ontario Provincial Police Force to assist local police are contained in sections 11 and 12 of this Bill.

Section 3. The final words of the proposed subsection which authorize the bringing of an action are new.

Sections 4, 5 and 6. Self-explanatory.

No. 138

1947

BILL

An Act to amend The Police Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 1 of *The Police Act*, 1946, is amended by re-1946, lettering the present clause a as clause aa and by adding amended, thereto the following clause:
 - (a) "association" shall mean an association,

'association'';

- (i) having among its objects the improvement of conditions of service or remuneration of the members of a police force, and
- (ii) the membership of which is limited to one police force;
- 2. Clause b of subsection 2 of section 3 of The Police Act; 1946, subs. 2, cl. b, repealed.
- 3. Subsection 2 of section 5 of *The Police Act*, 1946, is ¹⁹⁴⁶, is ¹⁹⁴⁶, c. 72, s. 5, repealed and the following substituted therefor:

 subs. 2.
 re-enacted.
 - (2) Where the council neglects to comply with a request Action by made under subsection 1, the Attorney-General may General. take such action as he may deem necessary to secure the proper policing of the municipality by the Ontario Provincial Police Force and charge the municipality with the cost thereof which may be deducted from any grant payable out of provincial funds to the municipality, or may be recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty.
- **4.** The Police Act, 1946, is amended by adding thereto the ¹⁹⁴⁶, c. 72, following section:

Where company fails to enter into agreement.

5a. Where an area has been designated under subsection 3 of section 2 and the company required to enter into an agreement under section 39 refuses or neglects to enter into an agreement, the Ontario Provincial Police Force shall police the area and the cost thereof may be recovered with costs from the company by action in any court of competent jurisdiction as a debt due to His Majesty.

1946, c. 72, s. 6, subs. 1, amended.

5. Subsection 1 of section 6 of *The Police Act*, 1946, is amended by inserting after the word "any" in the second line the words "village or", so that the said subsection shall now read as follows:

Constitution of boards of commissioners of police.

(1) Notwithstanding the provisions of any special Act, every city shall, and any village or township having a population in excess of 5,000 according to the last revised assessment roll and every county and town may, by by-law, constitute a board of commissioners of police.

1946, c. 72, s. 14, amended.

6.—(1) Section 14 of *The Police Act*, 1946, is amended by adding at the commencement thereof the words "Subject to the approval of the Lieutenant-Governor in Council", so that the said section shall now read as follows:

Board may make regulations. 14. Subject to the approval of the Lieutenant-Governor in Council, the board may make regulations not inconsistent with regulations under section 43 for the government of the police force, for preventing neglect or abuse, and for rendering it efficient in the discharge of its duties.

Existing regulations under s. 14 to expire.

(2) Any regulations which on the 1st day of June, 1947, are in force under section 14 of *The Police Act*, 1946, shall cease to have any force or effect on the 1st day of January, 1948.

1946, c. 72, s. 15, subs. 1, reenacted. 7. Subsection 1 of section 15 of *The Police Act*, 1946, is repealed and the following substituted therefor:

Police force subject to board.

(1) Notwithstanding the provisions of section 2, the board shall be responsible for the policing and maintenance of law and order in the municipality and the members of the police force shall be subject to the government of the board and shall obey its lawful directions.

1946, c. 72, s. 18, re-enacted. **8**. Section 18 of *The Police Act*, 1946, is repealed and the following substituted therefor:

SECTION 7. The subsection is re-worded to remove doubt as to its exact meaning in all situations. The term "board" as used in the subsection means a Board of Commissioners of Police.

Section 8. The effect of the altered wording of section 18 is to require the remuneration which is paid to be not less than that prescribed by the regulations.

Section 9. The re-enactment of section 27 renders the section consistent with the Disciplinary Code as contained in the regulations which are applicable to all police forces.

Section 10. The bargaining and arbitration provisions as contained in the new sections 27a, 27b, 27c, 27d and 27e are self-explanatory.

- 18. The council shall provide for the payment of a Remuneration, not being less than the minimum prescribed by the regulations, to the members of the Board designated by the Lieutenant-Governor in Council or appointed by the Attorney-General and may provide for the payment of an allowance to the head of the council.
- 9. Section 27 of *The Police Act*, 1946, is repealed and the ¹⁹⁴⁶, c. 72, s. 27, following substituted therefor:
 - 27. Where there is no board any constable who has been Power of suspension. charged with an offence against discipline under the regulations may be suspended from office by the head of the council of the municipality pending the disposition of the charge.
- 10. The Police Act, 1946, is amended by adding thereto amended. the following heading and sections:

BARGAINING AND ARBITRATION.

- 27a. A member of a police force shall not remain or Membership become a member of any trade union or of any union for-organization which is affiliated directly or indirectly with a trade union.
- 27b.—(1) Where one or more full-time members of a Bargaining. police force are appointed by any municipality or board, the council of the municipality or, where there is a board, the board shall, when requested by a majority of the members of the police force, bargain in good faith with a bargaining committee of the members of the police force for the purpose of defining, determining and providing for remuneration and working conditions, except such working conditions as may be governed by any regulations.
- (2) Where not less than fifty per centum of the members Association.

 of the police force belong to an association any request made under subsection 1 shall be made by the association.
- (3) In every case the members of a bargaining com-Affiliated mittee shall be members of the police force, but where,—
 - (a) the association is affiliated with any police organization; or
 - (b) not less than fifty per centum of the members of the police force belong to any police organization,

at all meetings held with the council of the munici-

pality or any committee thereof, or the board, as the case may be, for the purpose of bargaining, the bargaining committee may be accompanied by one member of such organization who is actively engaged in the occupation of a police officer and who shall attend in an advisory capacity only.

Board of arbitration.

27c.—(1) Except in the case of a police force having less than five members, where after bargaining under section 27b. the council of the municipality or where there is a board, the board, or the members of the police force, or where there is a bargaining committee, the bargaining committee, is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may by notice in writing to the other party require all matters in dispute to be referred to a board of arbitration of three members in which case the parties shall each appoint a member and the third member, who shall be the chairman, shall be appointed by the two members so appointed.

Failure to appoint member.

(2) Where either party fails to appoint a member of the board of arbitration within a reasonable time, or having appointed a person who is unable or unwilling to act, fails to appoint another member within a reasonable time, the Attorney-General may, upon the written request of the other party, appoint a member in lieu thereof.

Failure to appoint chairman.

(3) Where the two members of the board of arbitration appointed by the parties fail, within five days of the appointment of the one last appointed, to agree upon a third member, the Attorney-General may, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint the third member.

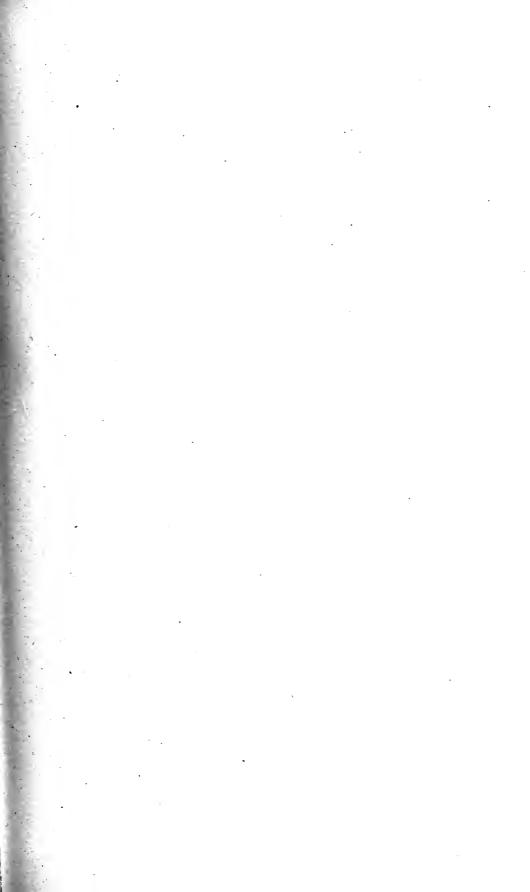
Costs.

(4) Each party shall assume its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally.

Reference to Attorney-General. 27d.—(1) In the case of a police force having less than five members, where after bargaining under section 27b, the council of the municipality or where there is a board, the board, or the members of the police force, or where there is a bargaining committee, the bargaining committee, is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may refer the matter to the Attorney-General.

Inquiry and report.

(2) Where a matter is referred to the Attorney-General under subsection 1, the Attorney-General may cause



Sections 11 and 12. The provisions which are enacted by these sections provide means for obtaining the assistance of the Provincial Police to assist local police. The purpose of subsection 1 of section 33, as reenacted by section 11 of the Bill, is principally to provide means for obtaining the assistance of members of the Criminal Investigation Branch of the Ontario Provincial Police where a serious crime has been committed.

such inquiry to be made as he deems necessary and shall report his findings to the parties.

- (3) The Attorney-General may cause the report of his Publication findings to be published in such manner as he may deem advisable.
- 27e.—(1) Every agreement made under section 27b and Effect of agreement every decision or award of a majority of the members or award. of the board of arbitration under section 27c shall be binding upon the council of the municipality, the board, where there is a board, and the members of the police force.
- (2) A provision of an agreement, decision or award Commence-involving the expenditure of money by the council of agreement the municipality shall not be enforceable until the commencement of the next fiscal period in respect of which the council may include provisions for such expenditure in its estimates.
- (3) Nothing in this Act shall require the continuance in Duration of force of any agreement, decision or award for or award, more than one year from the date upon which it commenced to be in force.
- **11.** Subsection 1 of section 33 of *The Police Act*, 1946, is 1946, c. 72, s. 33, repealed and the following substituted therefor:

 substituted therefor:
 - (1) The Crown attorney may request the services of a Expenses of member of the Ontario Provincial Police Force in Provincial Police any area for the policing of which a municipality or Force.— board is responsible and the expenses of any member able by of such Force furnished in compliance with the request shall be certified by the Crown attorney or the Commissioner and the amount so certified shall be paid by the municipality to the Treasurer of Ontario and may be deducted from any grant payable out of provincial funds to the municipality or recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty.
- **12**. The Police Act, 1946, is amended by adding thereto the amended. following section:
 - 33a.—(1) A board or council responsible for the policing Municipality of a municipality or part thereof, may by resolution assistance of Ontario request the Commissioner to furnish the assistance Provincial Police.

of the Ontario Provincial Police Force in maintaining law and order or investigating an offence within the municipality and the Commissioner may provide such assistance as he deems necessary.

Expenses,-how payable.

(2) Where such assistance is provided in an area for the policing of which the board or municipality is responsible, the expense incurred shall be certified by the Commissioner and the amount certified shall be paid by the municipality to the Treasurer of Ontario and may be deducted from any grant payable out of provincial funds to the municipality or recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty.

1946, c. 72, s. 34, amended. 13. Section 34 of *The Police Act*, 1946, is amended by inserting after the word "officer" in the first line the words "except a special constable" and by striking out clauses a and b, so that the said section shall now read as follows:

Constables empowered to act throughout Ontario.

34. Every constable and every other police officer, except a special constable, appointed under the provisions of this Act or of any other Act of this Legislature shall have authority to act as a constable throughout Ontario.

1946, c. 72, s. 38, re-enacted.

14. Section 38 of *The Police Act*, 1946, is repealed and the following substituted therefor:

Officers and constables, agreement as to services.

38. The board, or if none, the council of any municipality bordering on or situate within ten miles of a city, may by agreement with the board of the city provide that the services of officers and constables of the police force of the city shall be available in the municipality on such terms and conditions as may be set forth in the agreement, and the board of a city shall have power to enter into agreements under the authority of this section.

1946, c. 72, s. 39, amended. **15**. Section 39 of *The Police Act*, 1946, is amended by adding thereto the following subsections:

No agreement except on request of board. (1a) In municipalities having a board no agreement shall be entered into under the provisions of this section except at the request of the board.

Rates of pay to be considered.

(1b) No agreement shall be entered into under the provisions of this section with a municipality at a cost

SECTION 13. The re-enactment of section 34 removes the restriction that a constable has power to act outside of his own jurisdiction only where the offence has been committed within his jurisdiction. The insertion of the words "except a special constable" are complementary to the provision of section 42b of the Act as enacted by section 16 of this Bill.

SECTION 14. The re-enactment of section 38 is necessary to render the section consistent with section 34 as re-enacted by the preceding section of this Bill.

Section 15. Section 39 of the Act provides for the making of agreements by the Commissioner of Police with the council of a municipality or with any company for the policing of the municipality or other area by the Ontario Provincial Police. "Board", as used in the proposed subsection 1a, means Board of Commissioners of Police. In any municipality having a Board of Commissioners of Police, the Board is responsible for the policing of the municipality. With that explanation, the new subsections 1a, 1b and 4 of section 39 are self-explanatory.

Section 16—Subsection 1. Section 39a of the Act. Sections 12, 13, 14 and 15 mentioned in section 39a are sections giving to the Board of Commissioners of Police power to appoint and dismiss members of the police force, power to make regulations for the governing of the police force and power to govern and control the police force. With this explanation the new section becomes self-explanatory.

Sections 42a, 42b and 42c of the Act are self-explanatory.

which is less than the aggregate of police salaries paid by the municipality or where in the opinion of the Commissioner such an agreement is sought for the purpose of defeating the provisions of sections 27b to 27e.

- (4) Where a municipality is entitled to receive fines or Fines, etc. the proceeds of estreated recognizances because of prosecutions instituted by constables appointed by the council or by a board and the municipality has entered into an agreement with the Commissioner or with another municipality to furnish police services such members of the Ontario Provincial Police Force or of the police force of the other municipality as are assigned for duty under the agreement shall, for the purposes of the disposition of any such fines or proceeds, be deemed to be constables of the first-mentioned municipality.
- **16.**—(1) The Police Act, 1946, is amended by adding ¹⁹⁴⁶ amended. thereto the following sections:
 - 39a. Where pursuant to section 39 the Commissioner When board enters into an agreement with a municipality having advisory a board, the provisions of sections 12, 13, 14 and capacity.

 15 shall not apply but the board shall act in an advisory capacity to the senior officer of the Ontario Provincial Police Force in the municipality and to the Commissioner with respect to the policing of the municipality.
 - 42a. A municipality having any interest in a building or Policing area beyond the boundaries of the municipality may or area undertake and agree to pay the whole or a portion boundaries of the cost of policing such building or area.

 of municipality.
 - 42b.—(1) The Commissioner, a county court judge, a Special district court judge or a magistrate may, by written authority, appoint any person to act as special constable for such period, area and purpose as to him may seem expedient.
 - (2) Where an appointment is made by a judge or a Notice of magistrate, written notice of the appointment and the circumstances which rendered it expedient shall be forthwith transmitted to the Commissioner.

Suspension or termination of services.

(3) The judge or magistrate who has appointed a special constable, or the Commissioner, may suspend or terminate the services of such constable and written notice of the suspension or termination shall, if made by the judge or magistrate, be forthwith transmitted to the Commissioner.

Oath of special constable.

(4) Every authority appointing a special constable shall require him to take and subscribe an oath similar to that set out in subsection 1 of section 40.

Causing disaffection—an offence.

- 42c.—(1) Every person, including a member of a police force who.—
 - (a) causes or attempts to cause, or does any act calculated to cause disaffection among the members of a police force;
 - (b) induces or attemps to induce, or does any act calculated to induce a member of a police force to withhold his services or commit a breach of discipline; or
 - (c) being a member of a police force, withholds his services,

Penalty.

shall be guilty of an offence and liable to a penalty of not more than \$500 or to imprisonment for a term not exceeding one year or both.

Disqualification and forfeiture of rights.

- (2) Where a person convicted of an offence under subsection 1 is a member of a police force, he shall,—
 - (a) cease to be a member and shall not thereafter be appointed to any police force; and
 - (b) forfeit all pension rights under any pension scheme of such police force except his right to receive such moneys as he has paid into any fund under such scheme with interest at the rate payable under the scheme.

Recovery of penalties. Rev. Stat., c. 136.

(3) The penalty imposed by this section shall be recoverable under *The Summary Convictions Act*.

Validation of agreements. (2) Every agreement entered into by a municipality prior to the coming into force of this Act to pay the whole or a portion of the cost of policing a building or area beyond the boundaries of the municipality but in which the municipality has an interest, is validated.

Subsection 2. Subsection 2 confirms an agreement entered into with the city of Toronto for the policing of the area at Malton which is occupied by the city of Toronto for emergency housing.

Section 17. Section 43 of the Act authorizes the Lieutenant-Governor in Council to make regulations. Clause d is re-enacted so as to authorize the minimum remuneration to be prescribed for the members of a Board of Commissioners of Police who are appointed by the Attorney-General. All reference to the head of the council, who is the head of the Board is omitted in the clause as re-enacted.

Section 18. Section 18 of the Bill confirms in office members of existing Boards of Police Commissioners.

- **17.** Clause d of subsection 1 of section 43 of *The Police Act*, ${}^{1946}_{c,72,s.43,}$ 1946, is repealed and the following substituted therefor: subs. 1, cl. d, re-enacted.
 - (d) prescribing the minimum remuneration which shall be paid by a municipality to the members of boards who are designated by the Lieutenant-Governor in Council or appointed by the Attorney-General.
- **18.** Every judge of a county or district court and every Judges and magistrate who was a member of a board of commissioners trates,—of police on the 31st day of January, 1947, shall be deemed designation to have been designated by the Lieutenant-Governor in of boards. Council under section 6 of *The Police Act*, 1946, and shall continue to be a member of the board until his successor is designated.
- 19. This Act shall come into force on the 1st day of June, Commence-ment of Act.
- 20. This Act may be cited as The Police Amendment Act, Short title. 1947.

An Act to amend The Police Act, 1946.

March 28th, 1947 1st Reading

2nd Reading

3rd Reading

Mr. Blackwell

3rd Session, 22nd Legislature, Ontario . 11 George VI, 1947

BILL

An Act to amend The Police Act, 1946.

Mr. Blackwell



No. 138

1947

BILL

An Act to amend The Police Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Section 1 of *The Police Act*, 1946, is amended by re-1946, lettering the present clause a as clause aa and by adding amended. thereto the following clause:
 - (a) "association" shall mean an association,

"association";

- (i) having among its objects the improvement of conditions of service or remuneration of the members of a police force, and
- (ii) the membership of which is limited to one police force;
- 2. Clause b of subsection 2 of section 3 of The Police Act, $^{1946}_{c, 72, s. 3}$, $^{1946}_{c, 72, s. 3}$, subs. 2. cl. b, repealed.
- 3. Subsection 2 of section 5 of *The Police Act*, 1946, is ¹⁹⁴⁶, c. 72, s. 5, repealed and the following substituted therefor:

 subsection 2 of section 5 of *The Police Act*, 1946, is ¹⁹⁴⁶, c. 72, s. 5, subs. 2, re-enacted
 - (2) Where the council neglects to comply with a request Action by made under subsection 1, the Attorney-General may Attorney-General may General. take such action as he may deem necessary to secure the proper policing of the municipality by the Ontario Provincial Police Force and charge the municipality with the cost thereof which may be deducted from any grant payable out of provincial funds to the municipality, or may be recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty.
- **4.** The Police Act, 1946, is amended by adding thereto the ¹⁹⁴⁶, c. 72, following section:

Where company fails to enter into agreement.

5a. Where an area has been designated under subsection 3 of section 2 and the company required to enter into an agreement under section 39 refuses or neglects to enter into an agreement, the Ontario Provincial Police Force shall police the area and the cost thereof may be recovered with costs from the company by action in any court of competent jurisdiction as a debt due to His Majesty.

1946, c. 72, s. 6, subs. 1, amended.

5. Subsection 1 of section 6 of *The Police Act*, 1946, is amended by inserting after the word "any" in the second line the words "village or", so that the said subsection shall now read as follows:

Constitution of boards of commissioners of police.

(1) Notwithstanding the provisions of any special Act, every city shall, and any village or township having a population in excess of 5,000 according to the last revised assessment roll and every county and town may, by by-law, constitute a board of commissioners of police.

1946, c. 72, s. 14, amended.

6.—(1) Section 14 of *Tle I clice Act*, 1946, is amended by adding at the commencement thereof the words "Subject to the approval of the Lieutenant-Governor in Council", so that the said section shall now read as follows:

Board may make regulations. 14. Subject to the approval of the Lieuténant-Governor in Council, the board may make regulations not inconsistent with regulations under section 43 for the government of the police force, for preventing neglect or abuse, and for rendering it efficient in the discharge of its duties.

Existing regulations under s. 14 to expire.

(2) Any regulations which on the 1st day of June, 1947, are in force under section 14 of *The Police Act*, 1946, shall cease to have any force or effect on the 1st day of January, 1948.

1946, c. 72, s. 15, subs. 1, reenacted. 7. Subsection 1 of section 15 of *The Police Act*, 1946, is repealed and the following substituted therefor:

Police force subject to board.

(1) Notwithstanding the provisions of section 2, the board shall be responsible for the policing and maintenance of law and order in the municipality and the members of the police force shall be subject to the government of the board and shall obey its lawful directions.

1946, e. 72, s. 18, re-enacted.

8. Section 18 of *The Police Act, 1946*, is repealed and the following substituted therefor:

- 18. The council shall provide for the payment of a Remuneration, not being less than the minimum prescribed by the regulations, to the members of the Board designated by the Lieutenant-Governor in Council or appointed by the Attorney-General and may provide for the payment of an allowance to the head of the council.
- **9.** Section 27 of *The Police Act*, 1946, is repealed and the ¹⁹⁴⁶_{c. 72, s. 27} following substituted therefor:
 - 27. Where there is no board any constable who has been Power of suspension. charged with an offence against discipline under the regulations may be suspended from office by the head of the council of the municipality pending the disposition of the charge.
- **10**. *The Police Act*, 1946, is amended by adding thereto ¹⁹⁴⁶, c. 72, the following heading and sections:

BARGAINING AND ARBITRATION.

- 27a. A member of a police force shall not remain or Membership become a member of any trade union or of any union fororganization which is affiliated directly or indirectly with a trade union.
- 27b.—(1) Where one or more full-time members of a Bargaining police force are appointed by any municipality or board, the council of the municipality or, where there is a board, the board shall, when requested by a majority of the members of the police force, bargain in good faith with a bargaining committee of the members of the police force for the purpose of defining, determining and providing for remuneration and working conditions, except such working conditions as may be governed by any regulations made pursuant to this Act.
- (2) Where not less than fifty per centum of the members Association. of the police force belong to an association any request made under subsection 1 shall be made by the association.
- (3) In every case the members of a bargaining com-Affiliated mittee shall be members of the police force, but where,—
 - (a) the association is affiliated with any police organization; or
 - (b) not less than fifty per centum of the members of the police force belong to any police organization,

at all meetings held with the council of the munici-

pality or any committee thereof, or the board, as the case may be, for the purpose of bargaining, the bargaining committee may be accompanied by one member of such organization who is actively engaged in the occupation of a police officer and who shall attend in an advisory capacity only.

Board of arbitration.

27c.—(1) Except in the case of a police force having lesthan five members, where after bargaining under section 27b the council of the municipality or where there is a board, the board, or the members of the police force, or where there is a bargaining committee, the bargaining committee, is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may by notice in writing to the other party require all matters in dispute to be referred to a board of arbitration of three members in which case the parties shall each appoint a member and the third member, who shall be the chairman, shall be appointed by the two members so appointed.

Failure to appoint member.

(2) Where either party fails to appoint a member of the board of arbitration within a reasonable time, or having appointed a person who is unable or unwilling to act, fails to appoint another member within a reasonable time, the Attorney-General may, upon the written request of the other party, appoint a member in lieu thereof.

Failure to appoint chairman.

(3) Where the two members of the board of arbitration appointed by the parties fail, within five days of the appointment of the one last appointed, to agree upon a third member, the Attorney-General may, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint the third member.

Costs.

(4) Each party shall assume its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally.

Reference to Attorney-. General. 27d.—(1) In the case of a police force having less than five members, where after bargaining under section 27b, the council of the municipality or where there is a board, the board, or the members of the police force, or where there is a bargaining committee, the bargaining committee, is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may refer the matter to the Attorney-General.

Inquiry and report.

(2) Where a matter is referred to the Attorney-General under subsection 1, the Attorney-General may cause

- such inquiry to be made as he deems necessary and shall report his findings to the parties.
- (3) The Attorney-General may cause the report of his Publication findings to be published in such manner as he may deem advisable.
- 27e.—(1) Every agreement made under section 27b and Effect of agreement every decision or award of a majority of the members or award. of the board of arbitration under section 27c shall be binding upon the council of the municipality, the board, where there is a board, and the members of the police force.
- (2) A provision of an agreement, decision or award Commence-involving the expenditure of money by the council of agreement the municipality shall not be enforceable until the commencement of the next fiscal period in respect of which the council may include provisions for such expenditure in its estimates.
- (3) Nothing in this Act shall require the continuance in Duration of force of any agreement, decision or award for agreement more than one year from the date upon which it commenced to be in force.
- 11. Subsection 1 of section 33 of *The Police Act*, 1946, is ¹⁹⁴⁶, c. 72, s. 33, repealed and the following substituted therefor:

 subs. 1, re-enacted.
 - (1) The Crown attorney may request the services of a Expenses of member of the Ontario Provincial Police Force in Provincial any area for the policing of which a municipality or Force,—when payoff such Force furnished in compliance with the request shall be certified by the Crown attorney or the Commissioner and the amount so certified shall be paid by the municipality to the Treasurer of Ontario and may be deducted from any grant payable out of provincial funds to the municipality or recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty.
- **12.** The Police Act, 1946, is amended by adding thereto the amended. following section:
 - 33a.—(1) A board or council responsible for the policing Municipality of a municipality or part thereof, may by resolution assistance request the Commissioner to furnish the assistance Provincial Police.

of the Ontario Provincial Police Force in maintaining law and order or investigating an offence within the municipality and the Commissioner may provide such assistance as he deems necessary.

Expenses,-how payable.

(2) Where such assistance is provided in an area for the policing of which the board or municipality is responsible, the expense incurred shall be certified by the Commissioner and the amount certified shall be paid by the municipality to the Treasurer of Ontario and may be deducted from any grant payable out of provincial funds to the municipality or recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty.

1946, c. 72, s. 34, amended.

13. Section 34 of *The Police Act*, 1946, is amended by inserting after the word "officer" in the first line the words "except a special constable" and by striking out all the words after the word "Ontario" in the fourth line, so that the said section shall now read as follows:

Constables empowered to act throughout Ontario.

34. Every constable and every other police officer, except a special constable, appointed under the provisions of this Act or of any other Act of this Legislature shall have authority to act as a constable throughout Ontario.

1946, c. 72, s. 38, re-enacted. **14**. Section 38 of *The Police Act*, 1946, is repealed and the following substituted therefor:

Officers and constables, agreement as to services. 38. The board, or if none, the council of any municipality bordering on or situate within ten miles of a city, may by agreement with the board of the city provide that the services of officers and constables of the police force of the city shall be available in the municipality on such terms and conditions as may be set forth in the agreement, and the board of a city shall have power to enter into agreements under the authority of this section.

1946, c. 72, s. 39, amended.

15. Section 39 of *The Police Act*, 1946, is amended by adding thereto the following subsections:

No agreement except on request of board. ·(1a) In municipalities having a board no agreement shall be entered into under the provisions of this section except at the request of the board.

Rates of pay to be considered.

(1b) No agreement shall be entered into under the provisions of this section with a municipality at a cost

which is less than the aggregate of police salaries paid by the municipality or where in the opinion of the Commissioner such an agreement is sought for the purpose of defeating the provisions of sections 27b to 27e.

- (4) Where a municipality is entitled to receive fines or Fines, etc. the proceeds of estreated recognizances because of prosecutions instituted by constables appointed by the council or by a board and the municipality has entered into an agreement with the Commissioner or with another municipality to furnish police services such members of the Ontario Provincial Police Force or of the police force of the other municipality as are assigned for duty under the agreement shall, for the purposes of the disposition of any such fines or proceeds, be deemed to be constables of the first-mentioned municipality.
- **16.**—(1) *The Police Act*, 1946, is amended by adding ¹⁹⁴⁶, c. 72 thereto the following sections:
 - 39a. Where pursuant to section 39 the Commissioner When board enters into an agreement with a municipality having advisory a board, the provisions of sections 12, 13, 14 and capacity.

 15 shall not apply but the board shall act in an advisory capacity to the senior officer of the Ontario Provincial Police Force in the municipality and to the Commissioner with respect to the policing of the municipality.
 - 42a. A municipality having any interest in a building or Policing area beyond the boundaries of the municipality may or area undertake and agree to pay the whole or a portion boundaries of the cost of policing such building or area.

 of municipality.
 - 42b.—(1) The Commissioner, a county court judge, a Special district court judge or a magistrate may, by written authority, appoint any person to act as special constable for such period, area and purpose as to him may seem expedient.
 - (2) Where an appointment is made by a judge or a Notice of magistrate, written notice of the appointment and the circumstances which rendered it expedient shall be forthwith transmitted to the Commissioner.

Suspension or termination of services.

(3) The judge or magistrate who has appointed a special constable, or the Commissioner, may suspend or terminate the services of such constable and written notice of the suspension or termination shall, if made by the judge or magistrate, be forthwith transmitted to the Commissioner.

Oath of special constable.

(4) Every authority appointing a special constable shall require him to take and subscribe an oath similar to that set out in subsection 1 of section 40.

Causing disaffection —an offence.

- 42c.—(1) Every person, including a member of a police force who,—
 - (a) causes or attempts to cause, or does any act calculated to cause disaffection among the members of a police force;
 - (b) induces or attemps to induce, or does any act calculated to induce a member of a police force to withhold his services or commit a breach of discipline; or
 - (c) being a member of a police force, withholds his services,

Penalty.

shall be guilty of an offence and liable to a penalty of not more than \$500 or to imprisonment for a term not exceeding one year or both.

Assent of Attorney-General required. (2) No prosecution shall be instituted under this section without the consent of the Attorney-General.

Disqualification and forfeiture of rights.

- (3) Where a person convicted of an offence under subsection 1 is a member of a police force, he shall,—
 - (a) cease to be a member and shall not thereafter be appointed to any police force; and
 - (b) subject to any agreement with or by-law of the municipality, forfeit all pension rights under any pension scheme of such police force except his right to receive such moneys as he has paid into any fund under such scheme with interest at the rate payable under the scheme.

Recovery of penalties. Rev. Stat., c. 136.

(4) The penalty imposed by this section shall be recoverable under *The Summary Convictions Act*.

Validation of agreements. (2) Every agreement entered into by a municipality prior to the coming into force of this Act to pay the whole or a

portion of the cost of policing a building or area beyond the boundaries of the municipality but in which the municipality has an interest, is validated.

- **17**. Clause d of subsection 1 of section 43 of *The Police Act*, $\frac{1946}{c}$, $\frac{1946}{c}$, is repealed and the following substituted therefor: subs. 1, cl. d, re-enacted, re-enacted.
 - (d) prescribing the minimum remuneration which shall be paid by a municipality to the members of boards who are designated by the Lieutenant-Governor in Council or appointed by the Attorney-General.
- 18. Every judge of a county or district court and every Judges and magistrate who was a member of a board of commissioners trates,—of police on the 31st day of January, 1947, shall be deemed designation to have been designated by the Lieutenant-Governor in of boards. Council under section 6 of *The Police Act*, 1946, and shall continue to be a member of the board until his successor is designated.
- 19. This Act shall come into force on the 1st day of June, Commence-ment of Act.
- 20. This Act may be cited as The Police Amendment Act, Short title. 1947.

March 28th, 1947 1st Reading

March 31st, 1947 2nd Reading

April 2nd, 1947 3rd Reading

Mr. Blackwell

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Companies Information Act.

MR. MICHENER

EXPLANATORY NOTES

Section 1. It is no longer desirable that this Act apply to unincorporated groups. Therefore, the definition of, and references to "syndicate" are deleted from the Act.

Section 2. In view of the provisions of *The Securities Act, 1945*, in respect of filing statements, the need of filing prospectuses with the Provincial Secretary is not great, and the matter of what companies shall file prospectuses is now left to the regulations.

Section 3—Subsection 1. Certain corporations liable to a tax under certain sections of *The Corporations Tax Act* are at present exempted from filing the annual statement required under subsection 1 of section 3 of the Act. It is desirable that these classes be prescribed by the regulations.

No. 139

BILL

An Act to amend The Companies Information Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1**. Clause σ of section 1 of *The Companies Information Act* Rev. Stat., e. 253, s. 1 cl. σ , repealed.
- **2.** Section 2 of *The Companies Information Act* is repealed Rev. Stat., and the following substituted therefor:

 re-enacted.
 - 2.—(1) Every company of a class prescribed by the Filing of regulations, before the sale in Ontario of any issue of securities or any part thereof, other than an issue in respect of which a prospectus has been filed, shall file with the Provincial Secretary a prospectus verified as he may direct, together with the prescribed fee.
 - (2) Where a company contravenes the provisions of Penalty subsection 1, each director and officer of the company and any person acting as a representative of an extra provincial company shall be guilty of an offence and liable upon summary conviction to a penalty not exceeding \$500, and in default of payment thereof to imprisonment for a term not exceeding three months.
- **3.**—(1) The first sixteen lines of subsection 1 of section 3 Rev. Stat., of *The Companies Information Act*, as re-enacted by sub-subs. 1 part section 1 of section 8 of *The Statute Law Amendment Act*, 1940, c. 28, s. 8, subs. 1), are repealed and the following substituted therefor:
 - (1) On or before the 1st day of June in each and every Annual year without notice or demand to that effect, every corporation corporation incorporated under the laws of Ontario and every other corporation having its head or other office or doing business or any part thereof in the Province of Ontario, shall, unless licensed or registered under the provisions of *The Insurance Act* Rev. Stat., cc. 256: 257.

or The Loan and Trust Corporation Act, or of a class exempted by the regulations, make out, verify and deliver to the Provincial Secretary as hereinafter required, together with the prescribed fee, a detailed return containing as of the 31st day of March next preceding, correctly stated, the following information and particulars,—

Rev. Stat., e. 253, s. 3, subss. 6, 7, re-enacted.

(2) Subsections 6 and 7 of the said section 3 are repealed and the following substituted therefor:

Summary under Dominion Companies Act in lieu of return.

1934, c. 33 (Can.) (6) In the case of a company required to file a summary under section 121 of *The Companies Act*, 1934 (Canada), such company may deliver a duplicate of said summary signed and verified as prescribed in the said section 121, to the Provincial Secretary in lieu of the return under subsection 1 of this section and shall pay the fee prescribed for such return.

Enlargement of time and exemption from fee. (7) The Provincial Secretary may at his discretion and for good cause enlarge the time for delivering any such return or summary and may grant an exemption in whole or in part from the payment of the fee.

Transfer to or by corporation in arrears not to be registered.

(8) No registrar of deeds or land titles officer shall register any instrument made by or in favour of, or purporting to confer any interest in land, whether by way of caution, certificate or otherwise, upon any corporation regarding which he shall have received notice in writing from the Provincial Secretary that such corporation is in arrears in respect of any such return or summary or any tax or fee payable with such return or summary.

Rev. Stat., c. 253, amended.

4. The Companies Information Act is amended by adding thereto the following section:

Regulations.

- 7. The Lieutenant-Governor in Council may make regulations,—
 - · (a) prescribing the class or classes of companies which shall file a prospectus under section 2;
 - (b) prescribing the information to be contained in prospectuses;
 - (c) prescribing the fees payable upon the filing of prospectuses;

Subsection 2. Provision is made in subsection 6 of section 3 of the Act, as re-enacted in this Bill, whereby companies required to file a summary under section 121 of the Dominion Companies Act may file a copy thereof in lieu of the return under subsection 1 of section 3. The Provincial Secretary is empowered to waive the whole or part of the fee for filing the return or summary as well as to enlarge the time for delivering it.

Section 4. Power is given to the Lieutenant-Governor in Council to make regulations. The Act at present requires several matters to be dealt with by Order-in-Council, and it is desirable to deal with these matters by regulation.



- (d) exempting any class or classes of corporations from filing a return under section 3; and
- (e) prescribing the fees payable upon the filing of returns under section 3.
- **5.** This Act shall come into force on the day upon which it $_{\rm ment\ of\ Act.}^{\rm Commence}$ receives the Royal Assent.
- 6. This Act may be cited as The Companies Information Short title. Amendment Act, 1947.

An Act to amend The Companies Information Act.

1st Reading

March 28th, 1947

2nd Reading

3rd Reading

Mr. Michener

BILL

An Act to amend The Companies Information Act.

Mr. Michener



No. 139 1947

BILL

An Act to amend The Companies Information Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Clause c of section 1 of *The Companies Information Act* c. Stat., is repealed.
- 2. Section 2 of *The Companies Information Act* is repealed Rev. Stat., and the following substituted therefor:

 re-enacted.
 - 2.—(1) Every company of a class prescribed by the Filing of regulations, before the sale in Ontario of any issue of securities or any part thereof, other than an issue in respect of which a prospectus has been filed, shall file with the Provincial Secretary a prospectus verified as he may direct, together with the prescribed fee.
 - (2) Where a company contravenes the provisions of Penalty subsection 1, each director and officer of the company and any person acting as a representative of an extra provincial company shall be guilty of an offence and liable upon summary conviction to a penalty not exceeding \$500, and in default of payment thereof to imprisonment for a term not exceeding three months.
- 3.—(1) The first sixteen lines of subsection 1 of section 3 Rev. Stat., of *The Companies Information Act*, as re-enacted by sub-subs. 1, part section 1 of section 8 of *The Statute Law Amendment Act*, 1940, c. 28, s. 8, are repealed and the following substituted therefor:
 - (1) On or before the 1st day of June in each and every Annual year without notice or demand to that effect, every corporation. corporation incorporated under the laws of Ontario and every other corporation having its head or other office or doing business or any part thereof in the Province of Ontario, shall, unless licensed or registered under the provisions of The Insurance Act Rev. Stat., cc. 256; 257.

or The Loan and Trust Corporation Act, or of a class exempted by the regulations, make out, verify and deliver to the Provincial Secretary as hereinafter required, together with the prescribed fee, a detailed return containing as of the 31st day of March next preceding, correctly stated, the following information and particulars,—

Rev. Stat., e. 253, s. 3, subss. 6, 7, re-enacted.

(2) Subsections 6 and 7 of the said section 3 are repealed and the following substituted therefor:

Summary under Dominion Companies Act in lieu of return.

1934, c. 33 (Can.) (6) In the case of a company required to file, a summary under section 121 of *The Companies Act*, 1934 (Canada), such company may deliver a duplicate of said summary signed and verified as prescribed in the said section 121, to the Provincial Secretary in lieu of the return under subsection 1 of this section and shall pay the fee prescribed for such return.

Enlargement of time and exemption from fee. (7) The Provincial Secretary may at his discretion and for good cause enlarge the time for delivering any such return or summary and may grant an exemption in whole or in part from the payment of the fee.

Rev. Stat., c. 253, amended.

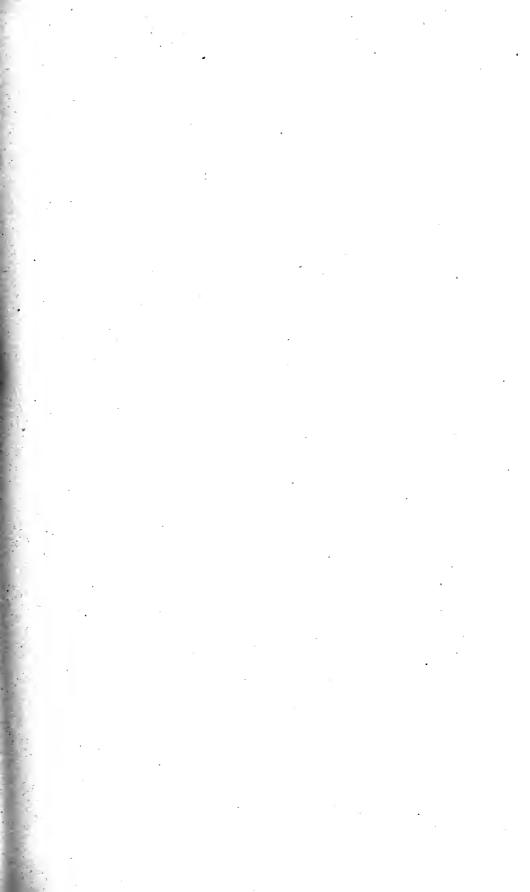
4. The Companies Information Act is amended by adding thereto the following section:

Regulations.

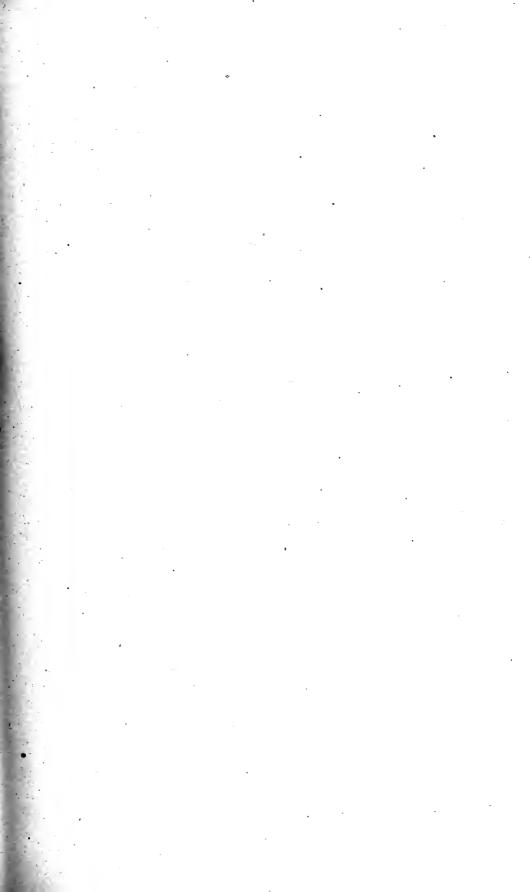
- 7. The Lieutenant-Governor in Council may make regulations,—
 - (a) prescribing the class or classes of companies which shall file a prospectus under section 2;
 - (b) prescribing the information to be contained in prospectuses;
 - (c) prescribing the fees payable upon the filing of prospectuses;
 - (d) exempting any class or classes of corporations from filing a return under section 3; and
 - (e) prescribing the fees payable upon the filing of returns under section 3.

Commencement of Act. 5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. 6. This Act may be cited as The Companies Information Amendment Act, 1947.







BILL .

An Act to amend The Companies Information Act.

1st Reading

March 28th, 1947

March 31st, 1947 2nd Reading

3rd Reading

April 2nd, 1947

Mr. Michener

BILL

An Act to amend The County Judges Act.

Mr. Blackwell

TORONTO PRINTED AND PUBLISHED BY H. E. BROWN ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

Under The County Judges Act each county and district court judge and junior judge, except the senior and other judges of the County of York, receives an annual allowance of \$1,000. The senior judge of the County of York receives \$2,600 and each of the junior judges receives \$1,600. This Bill alters those amounts to \$1,500 in the case of every judge and junior judge except the senior judge of York County who receives \$2,500 and provides for further allowances based on the amount of surrogate court work done in the county or district.

No. 140

1947

BILL

An Act to amend The County Judges Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsections 1 and 2 of section 9 of The County Judges Rev. Stat., act are repealed and the following substituted therefor:

 substituted therefor:

 substituted therefor:

 substituted therefor:

 substituted therefor:
 - (1) There shall be paid,—

Allowances.

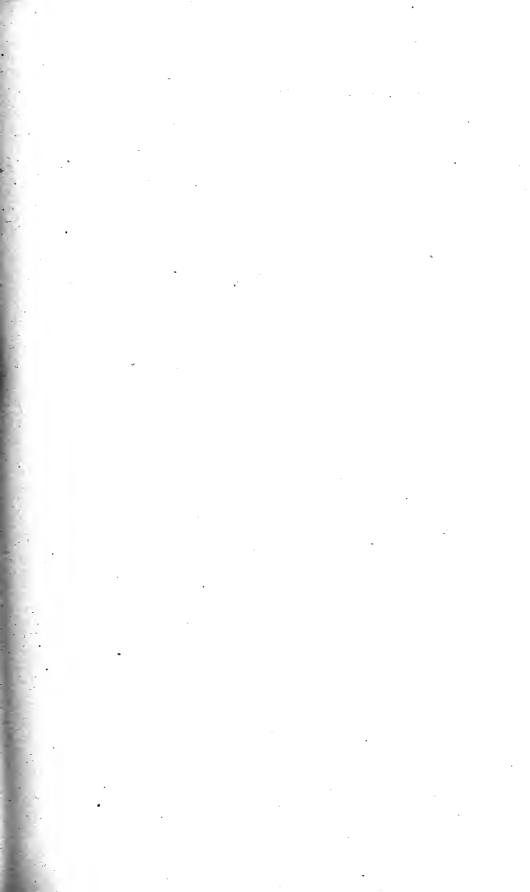
- (a) to the senior judge of the county court of the county of York, an allowance at the rate of \$2,500 per annum; and
- (b) to the judge of every other county and district court and to every junior judge of a county or district court, an allowance at the rate of \$1,500 per annum.
- (2) In addition to the allowances provided in subsection 1 Further allowance there shall be paid to the judge of every county and where one district court in a county or district in which there is only one judge, a further allowance as follows,—
 - (a) where the judge's fees under *The Surrogate* Rev. Stat., *Courts Act* for the calendar year exceed the sum of \$2,000 but do not exceed \$3,000, forty per centum of such excess;
 - (b) on the excess over \$3,000 up to \$4,000, thirty per centum;
 - (c) on the excess over 4,000 up to 5,000, twenty per centum; and
 - (d) on the excess over \$5,000 up to \$6,000, ten per centum.
- (2a) Where in any county or district there is more than where more one judge the judge's fees under *The Surrogate* judge.

 Courts Act shall be allocated equally between or

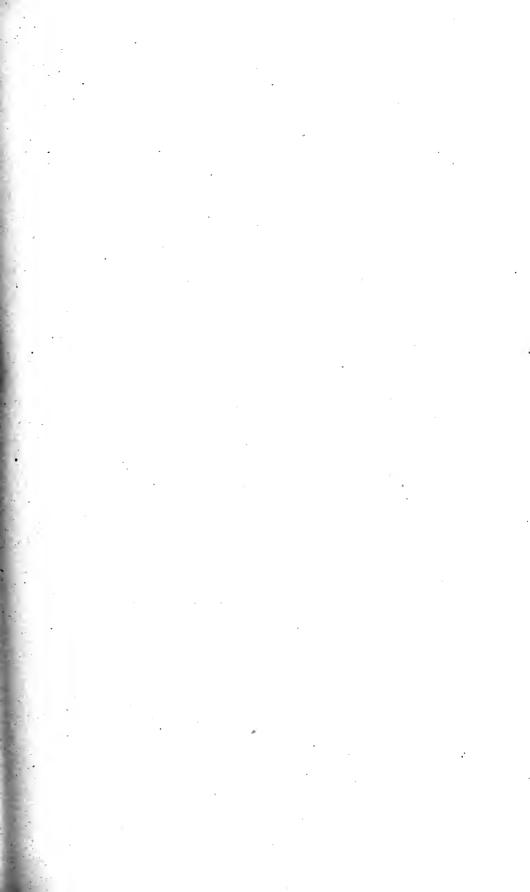
among the judge and the junior judge or judges and each judge and junior judge shall receive an allowance in accordance with the provisions of subsection 2 calculated on such allocation.

When allowances payable.

- (2b) The allowances under subsection 1 shall be payable monthly and the allowances under subsections 2 and 2a shall be payable annually after the end of the calendar year out of the Consolidated Revenue Fund.
- Allowances under s. 9. The allowance under subsections 2 and 2a of section 9 subss. 2, 2a.— of The County Judges Act, as enacted by this Act, for the year 1947 shall be calculated on the judge's fees under The Surrogate Courts Act for the last nine months of the year 1947.
- Commencement of Act. 3. This Act shall come into force on the 1st day of April, 1947.
- Short title. 4. This Act may be cited as The County Judges Amendment Act, 1947.







An Act to amend The County Judges Act.

1st Reading March 28th, 1947

2nd Reading

3rd Reading

Mr. Blackwell

BILL

An Act to amend The County Judges Act.

Mr. Blackwell *

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 140

1947

BILL

An Act to amend The County Judges Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1 and 2 of section 9 of *The County Judges* Rev. Stat., c. 102, s. 9, Act are repealed and the following substituted therefor: subst. 1, 2, re-enacted.

(1) There shall be paid,—

Allowances.

- (a) to the senior judge of the county court of the county of York, an allowance at the rate of \$2,500 per annum; and
- (b) to the judge of every other county and district court and to every junior judge of a county or district court, an allowance at the rate of \$1,500 per annum.
- (2) In addition to the allowances provided in subsection 1 Further allowance there shall be paid to the judge of every county and where one district court in a county or district in which there is only one judge, a further allowance as follows,—
 - (a) where the judge's fees under *The Surrogate* Rev. Stat., *Courts Act* for the calendar year exceed the sum of \$2,000 but do not exceed \$3,000, forty per centum of such excess;
 - (b) on the excess over \$3,000 up to \$4,000, thirty per centum;
 - (c) on the excess over \$4,000 up to \$5,000, twenty per centum; and
 - (d) on the excess over \$5,000 up to \$6,000, ten per centum.
- (2a) Where in any county or district there is more than where more one judge the judge's fees under *The Surrogate* than one Courts Act shall be allocated equally between or

among the judge and the junior judge or judges and each judge and junior judge shall receive an allowance in accordance with the provisions of subsection 2 calculated on such allocation.

When allowances pay(2b) The allowances under subsection 1 shall be payable monthly and the allowances under subsections 2 and 2a shall be payable annually after the end of the calendar year out of the Consolidated Revenue Fund.

Allowances lated.

2. The allowance under subsections 2 and 2a of section 9 under s. 9. 2. The allowance under subsections 2 and 2a of section 9 subsect. 2 and of The County Judges Act, as enacted by this Act, for the year how calcu-1947 shall be calculated on the judge's fees under The Surrogate Courts Act for the last nine months of the year 1947.

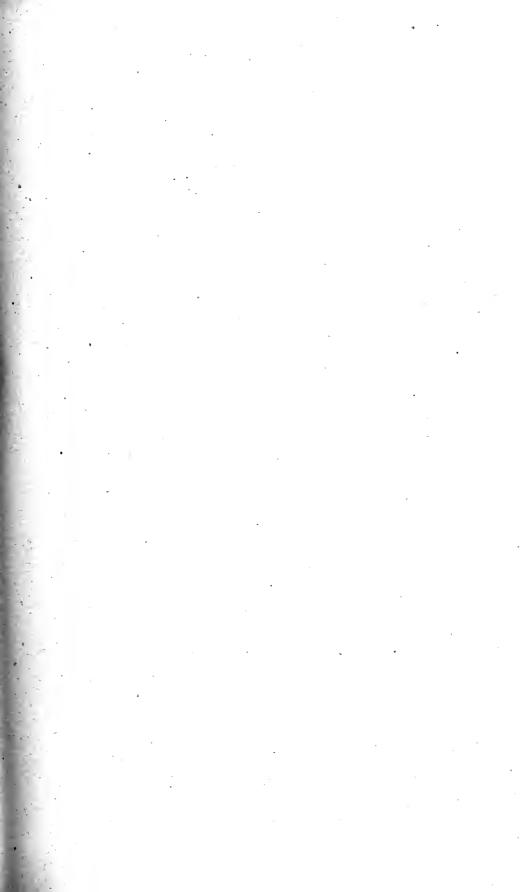
cc. 102; 106. Commencement of Act.

Rev. Stat.

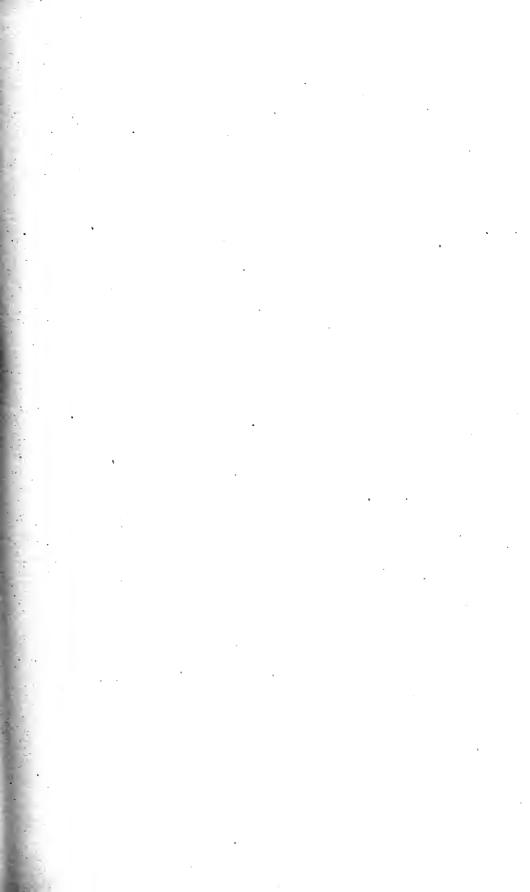
3. This Act shall come into force on the 1st day of April, 1947.

Short title.

4. This Act may be cited as The County Judges Amendment Act, 1947.







An Act to amend The County Judges Act.

March 28th, 1947 1st Reading

March 31st, 1947 2nd Reading

3rd Reading

April 2nd, 1947

Mr. Blackwell

BILL

AngAct to amend The Audit Act.

Mr. Frost

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
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EXPLANATORY NOTES

Section 1—Subsection 1. Section 2 of The Audit Act now reads:

2. The Lieutenant-Governor in Council may appoint an officer to be called the "Auditor", who shall be paid a salary of \$7,500 per annum, which shall be charged to and paid out of the Consolidated Revenue Fund.

The change in the wording is self-explanatory.

Subsection 2. The new subsection follows the principle of the present section 3 of *The Audit Act* which reads:

The Auditor shall hold office during good behaviour, but shall be removable for cause by the Lieutenant-Governor on address of the Assembly.

SECTION 3. The altered wording of section 35 is necessary by reason of the transfer of the administration of the King's Printer's office from the Provincial Treasurer to the Provincial Secretary. The amount is also increased from \$150,000 to \$350,000.

An Act to amend The Audit Act. .

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 2 of *The Audit Act* is amended by striking Rev. Stat., out the symbol and figures "\$7,500" in the third line and amended, inserting in lieu thereof the words, symbol and figures "not less than \$6,000", so that subsection 1 of the said section shall now read as follows:
 - (1) The Lieutenant-Governor in Council may appoint Provincial an officer to be called the "Auditor", who shall be appointment paid a salary of not less than \$6,000 per annum, which shall be charged to and paid out of the Consolidated Revenue Fund.
- · (2) The said section 2 is further amended by adding thereto Rev. Stat.. the following subsection:
 - (2) The salary of the Auditor shall not be reduced except Salary. on address of the Assembly.
- **2.** Section 35 of *The Audit Act* is repealed and the following Rev. Stat.. substituted therefor:
 - 35. The Treasurer of Ontario is authorized to pay out of Authority for payment the Consolidated Revenue Fund accounts for legis-of accounts lative and departmental printing, paper and station-stationery, ery and other supplies delivered to the King's Printer, but the amount of such deliveries remaining on hand and in course of distribution shall not exceed in any fiscal year the sum of \$350,000.
- 3. This Act shall come into force on the 1st day of April, Commence-1947.
- 4. This Act may be cited as The Audit Amendment Act, Short title. 1947.

An Act to amend The Audit Act.

March 31st, 1947 1st Reading

2nd Reading

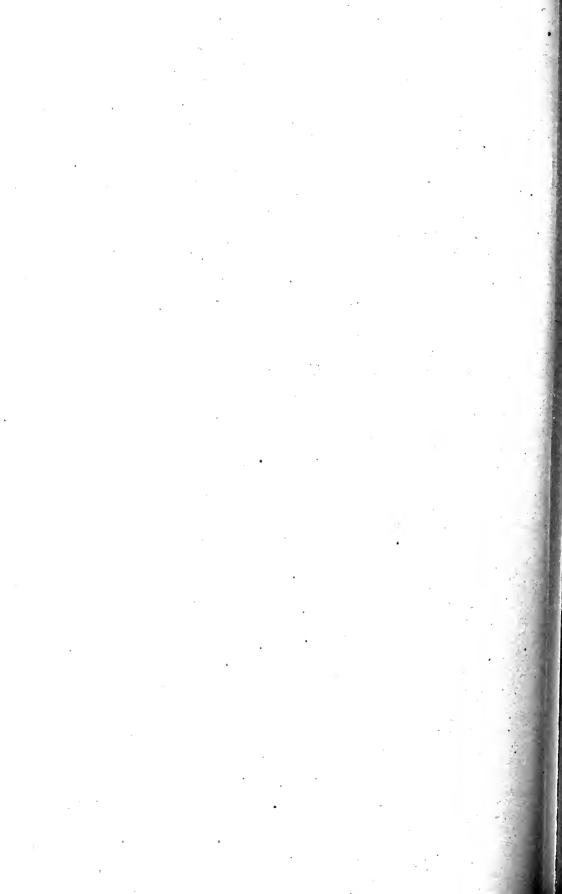
3rd Reading

Mr. Frost

BILL

An Act to amend The Audit Act.

Mr. Frost



An Act to amend The Audit Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 2 of *The Audit Act* is amended by striking Rev. Stat., out the symbol and figures "\$7,500" in the third line and amended. inserting in lieu thereof the words, symbol and figures "not less than \$6,000", so that subsection 1 of the said section shall now read as follows:
 - (1) The Lieutenant-Governor in Council may appoint Provincial an officer to be called the "Auditor", who shall be appointment paid a salary of not less than \$6,000 per annum, which shall be charged to and paid out of the Consolidated Revenue Fund.
- (2) The said section 2 is further amended by adding thereto $\frac{\text{Rev. Stat.}}{\text{c. 24, s. 2}}$, the following subsection:
 - (2) The salary of the Auditor shall not be reduced except Salary. on address of the Assembly.
- 2. Section 35 of *The Audit Act* is repealed and the following Rev. Stat., substituted therefor:

 Rev. Stat., substituted therefor:
 - 35. The Treasurer of Ontario is authorized to pay out of Authority for payment the Consolidated Revenue Fund accounts for legis-of accounts lative and departmental printing, paper and station-stationery. ery and other supplies delivered to the King's Printer, but the amount of such deliveries remaining on hand and in course of distribution shall not exceed in any fiscal year the sum of \$350,000.
- 3. This Act shall come into force on the 1st day of April, Commence-1947.
- 4. This Act may be cited as The Audit Amendment Act, Short title. 1947.

An Act to amend The Audit Act.

March 31st, 1947 1st Reading

2nd Reading April 1st, 1947

3rd Reading
April 2nd, 1947

Mr. Frost

BILL

The Statute Law Amendment Act, 1947.

MR. BLACKWELL

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
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EXPLANATORY NOTES

Section 1. This amendment is to correct an obvious typographical error.

SECTION 2. This amendment is to correct an obvious typographical error.

Section 3. This Act has not been used for a good many years and is no longer required by the Department of Highways.

Section 4. Self-explanatory.

No. 142

1947

BILL

The Statute Law Amendment Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 23 of The Apprenticeship Act, as enacted by Rev. Stat., section 5 of The Apprenticeship Amendment Act, 1946, is (1946. c. 2. amended by striking out the word "member" where it occurs amended. the first time in the first line and inserting in lieu thereof the word "person", so that the said section shall now read as follows:
 - 23. Where a person has served as a member of any of the Members of forces of His Majesty or any ally thereof, and is undertaking a course of training under a plan of rehabilitation approved by the Board, the Board may exempt such person from the operation of such provisions of this Act and the regulations as may be deemed necessary.
- 2. Subsection 2 of section 14 of *The Beach Protection Act*, 1946, c. 5, 1946, is amended by striking out the word "land" in the amended. third line and inserting in lieu thereof the word "sand", so that the said subsection shall now read as follows:
 - (2) The amount to be charged per yard shall be fixed by Amount of the Minister according to the location, type, availability and accessibility of such sand.
 - 3. The Colonization Roads Act is repealed.

Rev. Stat., c. 35, repealed.

- 4. Section 15 of *The Commissioners for taking Affidavits* Rev. Stat., Act is amended by inserting after the word "Governor" in amended. the first line the words "in Council", so that the said section shall now read as follows:
 - 15. The Lieutenant-Governor in Council may make regu-Regulations. lations respecting the fees payable to the Crown and the fees receivable by commissioners under this Act.

1946, c. 11, s. 24, reenacted.

5. Section 24 of *The Conservation Authorities Act*, 1946, is repealed and the following substituted therefor:

Future drainage construction.

24. Any construction, within the meaning of *The Municipal Drainage Act*, undertaken in a watershed after the establishment of an authority in respect thereof shall be undertaken only with the approval in writing of the authority, but nothing herein contained shall in any way limit or abridge the powers and duties conferred or imposed upon a municipality by sections 71 to 78 of *The Municipal Drainage Act*.

Rev. Stat., c. 278.

Rev. Stat. 12. 6.—(1) Subsection 1 of section 12 of *The Devolution of Subs.* 1, amended.

Estates Act is amended by striking out the word "of" in the sixteenth line and inserting in lieu thereof the word "or", so that the said subsection shall now read as follows:

Vesting of real estate not disposed of within three years.

Rev. Stat., cc. 174, 170. (1) Real property not disposed of, conveyed to, divided or distributed among the persons beneficially entitled thereto, under the provisions of section 20, by the personal representative within three years after death of the deceased shall, subject to The Land Titles Act in the case of land registered under that Act, and subject to subsections 6 and 7 of section 56 of The Registry Act, and subject as hereinafter provided, at the expiration of that period, whether probate or letters of administration have or have not been taken, be thenceforward vested in the persons beneficially entitled thereto under the will or upon the intestacy or their assigns without any conveyance by the personal representative unless such personal representative, if any, has registered, in the proper registry or land titles office, a caution (Form 1) under his hand, and if such caution is so registered such real property or the part thereof mentioned therein shall not be so vested for three years from the time of registration of such caution or of the last caution if more than one are registered.

Unless caution registered.

Rev. Stat. (2) Subsection 3 of the said section 12 is amended by striksubs. 3, amended. ing out the word "specified" in the first line and inserting in lieu thereof the word "specifies", so that the said subsection shall now read as follows:

Effect.

(3) Where the caution specifies certain parcels of land it shall be effectual as to those parcels only.

Rev. Stat., c. 185, s. 8, amended. 7. Section 8 of *The Factors Act* is amended by adding at the commencement thereof the words "Subject to the provisions of *The Warehouse Receipts Act*, 1946," so that the said section shall now read as follows:

'SECTION 5. This amendment makes it clear that the jurisdiction of the drainage referee under *The Municipal Drainage Act* is not affected in regard to the modification, repair, improvement and maintenance of drainage works constructed prior to the establishment of the authority.

Section 6—subsections 1 and 2. These amendments are necessary to correct obvious typographical errors.

Section 7. The provisions of section 8 of *The Factors Act* at present conflict with the method of transfer of warehouse receipts covered by *The Warehouse Receipts Act*, 1946.

Section 8. These subsections provide for the appointment of special constables and other officers to enforce the provisions of the Act and are no longer necessary.

Section 9. This amendment is made to ensure that the section is applicable in the case of a repeal and re-enactment, as well as the cases of repeal and amendment, revision or consolidation. The wording is made consistent with the provisions of section 20 which deals with the same situation.

Section 10. The office formerly known as the Master in Chambers has been incorporated in the office of the Master of the Supreme Court, and this amendment brings the section up to date.

Section 11. This amendment brings the section up to date and re-enacts it in a simplified form.

- 8. Subject to the provisions of *The Warehouse Receipts* Mode of Act, 1946, for the purposes of this Act the transfer documents. Idem, s. 111. of a document of title may be by endorsement, or 1946, where the document is by custom or by its express terms transferable by delivery, or makes the goods deliverable to the bearer, then by delivery.
- 8. Subsections 1, 2 and 3 of section 17 of The Forest Fires Rev. Stat., c. 325, s. 17, subss. 1, 2, 3, repealed.
- **9.** Section 16 of *The Interpretation Act* is amended by in-Rev. Stat., serting after the word "of" in the second line the word "re-amended. enactment", so that the said section, exclusive of the clauses, shall now read as follows:
 - 16. Where any Act or enactment is repealed and other Re-enactment, provisions are substituted by way of re-enactment, consolidation amendment, revision or consolidation,
- 10. Clause f of subsection 2 of section 106 of *The Judicature* Rev. Stat., *Act* is amended by striking out the words "in Chambers" in subs. 2, cl. f, the first line and inserting in lieu thereof the words "of the amended. Supreme Court", so that the said clause, exclusive of the subclauses, shall now read as follows:
 - (f) empowering the Master of the Supreme Court, or any officer sitting for him, or the local judges, or the local masters in respect of actions brought in their counties, to do any such thing, and to transact any such business, and to exercise any such authority and jurisdiction in respect of the same as are or may be done, transacted, or exercised by a judge of the Supreme Court, in court, upon motions for judgment in undefended actions, for the appointment of receivers by way of equitable execution and for exparte injunctions and upon motions in chambers or as shall be specified in the rules except in respect to matters relating to,—
- 11. Subsection 2 of section 15 of The Legislative Assembly Rev. Stat., Act, as amended by section 16 of The Statute Law Amendment subs. 2. re-Act, 1939, and subsection 2 of section 2 of The Legislative Assembly Amendment Act, 1941, is repealed and the following substituted therefor:
 - (2) Nevertheless, whenever any person holding the office Saving in case of,—
 of,—
 (a) President of the Council;

 case of,—
 exchange of offices in Executive

- (b) Attorney-General;
- (c) Secretary and Registrar of Ontario,
- (d) Treasurer of Ontario;
- (e) Minister of Agriculture;
- (*t*) Minister of Education;
- (g) Minister of Health;
- (h) Minister of Highways;
- (i) Minister of Labour;
- (j) Minister of Lands and Forests:
- (k) Minister of Mines;
- (l) Minister of Municipal Affairs;
- (m) Minister of Planning and Development;
- (n) Minister of Public Welfare;
- (o) Minister of Public Works;
- (p) Minister of Reform Institutions; or
- (q) Minister of Travel and Publicity,

and being at the same time a member of the Assembly, resigns his office and accepts any other of the said offices, he shall not thereby vacate his seat in the Assembly.

additional offices in Executive Council.

(3) Where a member of the Executive Council holding any one of the offices enumerated in subsection 2 is appointed to hold another office in addition to or in connection with such first-mentioned office, he shall not thereby vacate his seat, and any increase or change of emolument arising from the holding of such two offices shall not cause a vacancy or render a re-election necessary.

Rev. Stat., c. 178, s. 1, cl. c, amended.

12.—(1) Clause c of section 1 of The Mercantile Law Amendment Act is amended by striking out the word "and" at the end of subclause (ii), by inserting the word "and" at the end of subclause (iii), and by adding thereto the following subclause:

Section 12—Subsections 1 and 2. These amendments are designed to ensure that the method of dealing with warehouse receipts which are subject to The Warehouse Receipts Act, 1946, is not interfered with by The Mercantile Law Amendment Act.

SECTION 13. The Board referred to is the Industry and Labour Board. The new section authorizes a practice which was established many years ago.

Section 14. Section 3 of the Act requires the filing of the declaration under subsection 2 of section 8 within 60 days of the time when the name or designation was first used. This amendment is inserted so that registrars, in accepting the declaration for filing, will have evidence on which to determine whether the filing is within the time limit.

SECTION 15. The office formerly known as the Master in Chambers has been incorporated in the office of the Master of the Supreme Court, and this amendment brings the section up to date.

- (iv) a warehouse receipt as defined by The Warehouse 1946, c. 107. Receipts Act. 1946.
- (2) Section 8 of The Mercantile Law Amendment Act is re-Rev. Stats, pealed and the following substituted therefor:

 "Rev. Stats, c. 178, s. 8, re-enacted."
 - 8.—(1) Subject to the provisions of *The Warehouse Re-* Assignment ceipts Act, 1946, as to the negotiation of, and the receipts etc. as collateral transfer of the goods covered by, a warehouse receipt security as defined therein, the owner of or other person en-1946. c. 107. titled to receive the goods included in a warehouse receipt or bill of lading may transfer such warehouse receipt or bill of lading by endorsement thereon signed by himself, his attorney or agent to any other person as collateral security for any debt owing by him
 - (2) The endorsement or transfer shall from the date What passes. thereof vest in the transferee all the right or title of the transferor to or in such goods subject to the right of the transferor to have such goods, warehouse receipt or bill of lading re-transferred to him if the debt is paid when due.
 - (3) If the debt is not paid when due the person to whom Rights of such goods, warehouse receipt or bill of lading was so transferred may sell the goods and after satisfying any lien against the goods may retain the proceeds or so much thereof as may be equal to the amount of the debt and shall return the overplus, if any, to the transferor.
- 13. The Minimum Wage Act is amended by adding thereto Rev. Stat., the following section:

 0.190, amended.
 - 4. The Board, without order, may grant written permis-Handicapped sion to an employer to pay to any employee who is employee handicapped a wage fixed by it lower than the minimum wage.
- 14. Clause b of subsection 2 of section 8 of The Partnership Rev. Stat.. Registration Act, as re-enacted by section 2 of The Partnership subs. 2. Registration Amendment Act, 1941, is repealed and the follow-c. 41, s. 2) ing substituted therefor:
 - (b) the name or designation under which he carries on or intends to carry on business, and the date when the name or designation was first used by him.
- 15. Section 43 of *The Quieting Titles Act* is amended by Rev. Stat., striking out the words "in Chambers" in the fourth line and amended.

inserting in lieu thereof the words "of the Supreme Court", so that the said section shall now read as follows:

Powers of Inspector and referees.

43. The Inspector of Titles, the Referee of Titles and every local referee of titles in respect of the petition and the proceedings thereunder shall have the like powers as the Master of the Supreme Court.

1946, c. 102. 16. Clause a of section 2 of The Trees Conservation Act, re-enacted. 1946, is repealed and the following substituted therefor:

(a) interfere with the right of a person who has been the registered owner of land for at least two years to cut trees thereon for his own use:

Rev. Stat., c. 165, s. 36, subs. 7, amended.

17.—(1) Subsection 7 of section 36 of *The Trustee Act* is amended by striking out the words "surrogate clerk" in the second line and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said subsection shall now read as follows:

Copy of order to be filed with Registrar of the Supreme Court.

(7) A certified copy of the order of removal shall be filed with the Registrar of the Supreme Court, and another copy with the registrar of the surrogate court by which probate or administration was granted, and such officers shall, at or upon the entry of the grant in the registers of their respective offices, make in red ink a short note giving the date and effect of the order, and shall also make a reference thereto in the index of the register at the place where such grant is indexed.

Rev. Stat., c. 165, s. 36, subs. 8, amended. (2) Subsection 8 of the said section 36 is amended by striking out the words "surrogate clerk" in the second line and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said subsection shall now read as follows:

Endorsement.

(8) The date of the grant shall be endorsed on the copy of the order filed with the Registrar of the Supreme Court.

Rev. Stat., c. 375, s. 2, amended.

18.—(1) Section 2 of *The Veterinary College Act* is amended by striking out all the words after the word "successful" in the fifth line and inserting in lieu thereof the words "training for the veterinary profession", so that the said section shall now read as follows:

Appliances and equipment of College. 2. The College shall be furnished with all such appliances and equipment as may be necessary for theoretical and practical training in the science and art of veterinary medicine, and in such other branches of education SECTION 16. This amendment is to prevent an evasion of the purposes of the Act by a temporary change of ownership.

SECTION 17. These amendments are necessary due to the abolition of the office of the surrogate clerk and transfer of his duties to the Registrar of the Supreme Court in 1946.

Section 18—Subsection 1. The words "performance of the business of a veterinary surgeon" are replaced by the words "training for the veterinary profession".

Subsection 2. This amendment renders the Act in conformity with the recent change in the title and degree granted by the College.

Section 19. The new subsections are self-explanatory.

Section 20. Subsections 1, 3, 4 and 5 of section 112 at present deal with the approval of the Ontario Municipal Board, Municipal Councils and the Minister of Highways to plans of survey and subdivision, and are no longer required in view of *The Planning Act, 1946*. Subsection 2 is re-enacted as section 112.

' Section 21. The repealed subsections deal with the approval of the Ontario Municipal Board, Municipal Councils and the Minister of Highways to plans on which streets, etc., are laid out, and are no longer required in view of *The Planning Act*, 1946.

as may be requisite for the intelligent and successful training for the veterinary profession.

- (2) Section 6 of *The Veterinary College Act* is amended by Rev. Stat., striking out the letters "B.V.Sc." in the fifth line and inserting amended in lieu thereof the words "Doctor of Veterinary Medicine", and by striking out the words "Bachelor of Veterinary Science" in the seventh line and inserting in lieu thereof the words "Doctor of Veterinary Medicine (Veterinary Surgeon)", so that the said section shall now read as follows:
 - 6. Every student shall, upon the successful completion Qualifications for of the course of study, and upon passing the pre-degree of scribed examinations, and upon satisfactory com-Veterinary pliance with the rules and regulations of the College, be granted a diploma by the University of Toronto, conferring the title and degree "Doctor of Veterinary Medicine," the possession of which shall admit him to all the privileges, rights and standing of a Doctor of Veterinary Medicine (Veterinary Surgeon).
- **19.** Section 4 of *The Commercial Vehicle Act* is amended by Rev. Stat., adding thereto the following subsections:
 - (3) The Department may refer any application for the Application transfer of a license to the Board.

 Referred to Board.
 - (4) The Department may at any time refer a license to Department the Board with a recommendation that the terms and mend alteration.

 conditions of the license should be altered.
 - (5) On a reference under subsection 3 or 4 the Board Board shall hold a hearing and make such order as it deems just.
- **20**. Section 112 of *The Land Titles Act*, as amended by Rev. Stat., section 15 of *The Statute Law Amendment Act*, 1940, is repealed re-enacted. and the following substituted therefor:
 - 112. No plan of survey or subdivision to which *The* Where 1946, *Planning Act*, 1946, applies shall be registered unless approved under that Act.
- 21.—(1) Subsection 14 of section 83 of The Registry Act, Rev. Stat., as amended by section 23 of The Statute Law Amendment subs. 14. Act, 1940, is repealed.
 - (2) Subsection 15 of the said section 83 is repealed.

Rev. Stat., c. 170, s. 83, subs. 15, repealed.

(3) Subsection 20 of the said section 83 is repealed and the Rev. Stat., c. 170, s. 83, following substituted therefor:

subs. 20, repealed.

Where 1946, c. 71, applies.

(20) No plan of survey or subdivision to which *The Planning Act*, 1946, applies shall be registered unless approved under that Act.

Commencement of Acts. Rev. Stat.,

c. 2.

22.—(1) Notwithstanding section 4 of *The Statutes Act*, every general or special Act passed at this session of this Legislature and assented to on or before the 3rd day of April, 1947, shall, unless it is otherwise provided in the Act, come into force on the 1st day of June, 1947.

Exceptions.

(2) Notwithstanding subsection 1, the Acts passed at this session of this Legislature entitied An Act respecting the Control of Warble-fly and An Act to amend The Tourist Camp Regulation Act, 1946, shall come into force on the day upon which this Act receives the Royal Assent.

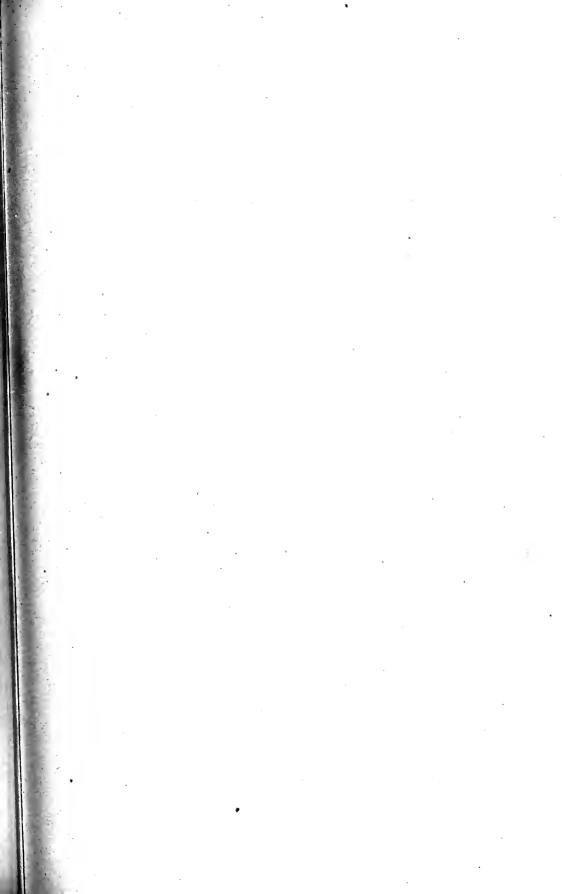
Commencement of section. (3) This section shall come into force on the day upon which this Act receives the Royal Assent.

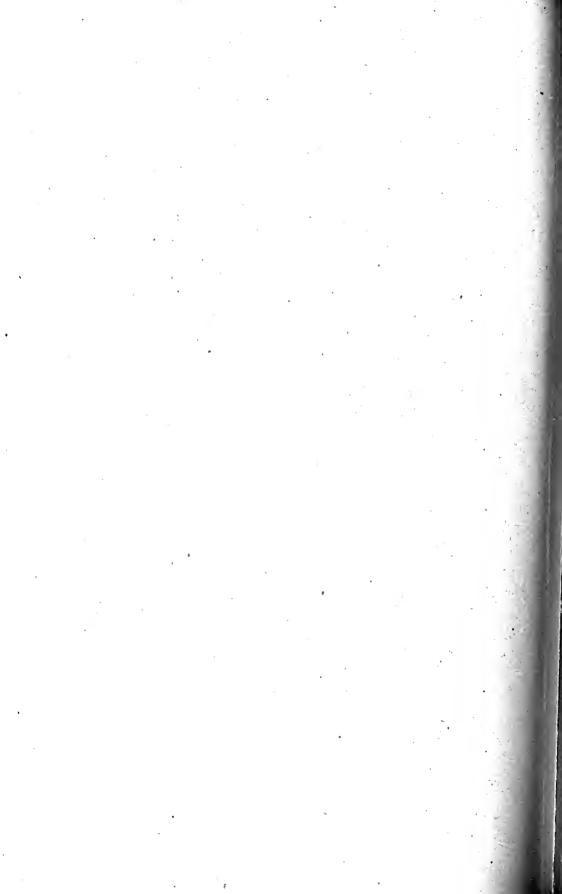
Commencement of Act.

23. This Act, except section 22, shall come into force on the 1st of June, 1947.

Short title.

24. This Act may be cited as The Statute Law Amendment Act, 1947.





BILL

The Statute Law Amendment Act, 1947.

1st Reading March 31st, 1947

2nd Reading

3rd Reading

Mr. Blackwell

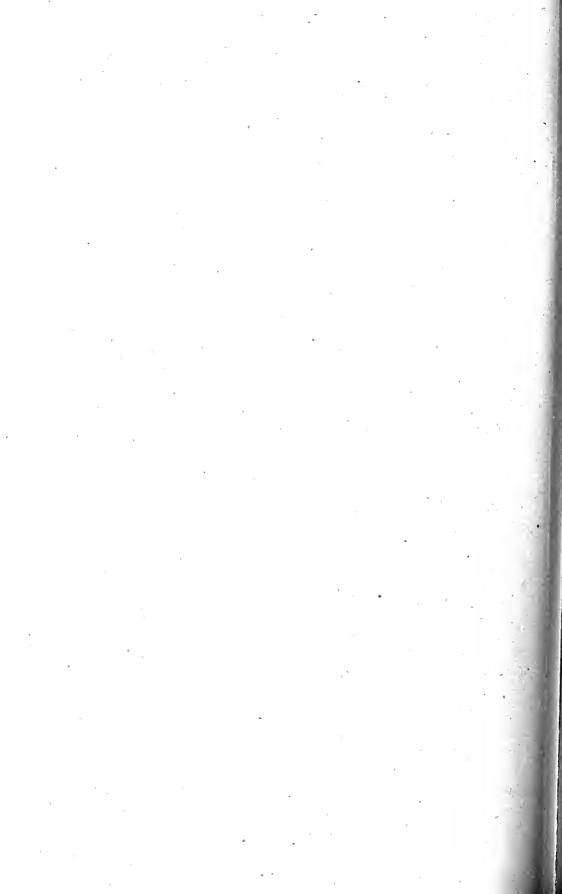
3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

The Statute Law Amendment Act, 1947.

MR. BLACKWELL

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
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No. 142

1947

BILL

The Statute Law Amendment Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 23 of The Apprenticeship Act, as enacted by Rev. Stat.. section 5 of The Apprenticeship Amendment Act, 1946, is (1946, c. 2, amended by striking out the word "member" where it occurs amended. the first time in the first line and inserting in lieu thereof the word "person", so that the said section shall now read as follows:
 - 23. Where a person has served as a member of any of the Members of forces of His Majesty or any ally thereof, and is undertaking a course of training under a plan of rehabilitation approved by the Board, the Board may exempt such person from the operation of such provisions of this Act and the regulations as may be deemed necessary.
- 2. Subsection 2 of section 14 of *The Beach Protection Act*, ¹⁹⁴⁶, ^{c. 5}, ¹⁹⁴⁶, is amended by striking out the word "land" in the ^{amended}. third line and inserting in lieu thereof the word "sand", so that the said subsection shall now read as follows:
 - (2) The amount to be charged per yard shall be fixed by Amount of the Minister according to the location, type, availability and accessibility of such sand.
 - 3. The Colonization Roads Act is repealed.

Rev. Stat., c. 35, repealed.

- 4. Section 15 of *The Commissioners for taking Affidavits* Rev. Stat.. Act is amended by inserting after the word "Governor" in amended. the first line the words "in Council", so that the said section shall now read as follows:
 - 15. The Lieutenant-Governor in Council may make regu-Regulations. lations respecting the fees payable to the Crown and the fees receivable by commissioners under this Act.

1946, c. 11, s. 24, reenacted. 5. Section 24 of *The Conservation Authorities Act*, 1946, is repealed and the following substituted therefor:

Future drainage construction.

24. Any construction, within the meaning of *The Municipal Drainage Act*, undertaken in a watershed after the establishment of an authority in respect thereof shall be undertaken only with the approval in writing of the authority, but nothing herein contained shall in any way limit or abridge the powers and duties conferred or imposed upon a municipality by sections 71 to 78 of *The Municipal Drainage Act*.

Rev. Stat., c. 278.

Rev. Stat., c. 163, s. 12, subs. 1, amended.

6.—(1) Subsection 1 of section 12 of *The Devolution of Estates Act* is amended by striking out the word "of" in the sixteenth line and inserting in lieu thereof the word "or", so that the said subsection shall now read as follows:

Vesting of real estate not disposed of within three years.

Rev. Stat., cc. 174, 170. (1) Real property not disposed of, conveyed to, divided or distributed among the persons beneficially entitled thereto, under the provisions of section 20, by the personal representative within three years after death of the deceased shall, subject to The Land Titles Act in the case of land registered under that Act, and subject to subsections 6 and 7 of section 56 of The Registry Act, and subject as hereinafter provided, at the expiration of that period, whether probate or letters of administration have or have not been taken, be thenceforward vested in the persons beneficially entitled thereto under the will or upon the intestacy or their assigns without any conveyance by the personal representative unless such personal representative, if any, has registered, in the proper registry or land titles office, a caution (Form 1) under his hand, and if such caution is so registered such real property or the part thereof mentioned therein shall not be so vested for three years from the time of registration of such caution or of the last caution if more than one are registered.

Unless caution registered.

Rev. Stat., c. 163, s. 12, subs. 3, amended.

(2) Subsection 3 of the said section 12 is amended by striking out the word "specified" in the first line and inserting in lieu thereof the word "specifies", so that the said subsection shall now read as follows:

Effect.

(3) Where the caution specifies certain parcels of land it shall be effectual as to those parcels only.

Rev. Stat., c. 185, s. 8, amended. 7. Section 8 of *The Factors Act* is amended by adding at the commencement thereof the words "Subject to the provisions of *The Warehouse Receipts Act*, 1946," so that the said section shall now read as follows:

- 8. Subject to the provisions of The Warehouse Receipts Mode of transferring Act, 1946, for the purposes of this Act the transfer documents. of a document of title may be by endorsement, or 1946. where the document is by custom or by its express terms transferable by delivery, or makes the goods deliverable to the bearer, then by delivery.
- 8. Subsections 1, 2 and 3 of section 17 of The Forest Fires Rev. Stat., c. 325, s. 17, revention Act are repealed. Prevention Act are repealed.
- 9. Section 16 of The Interpretation Act is amended by in-Rev. Stat., serting after the word "of" in the second line the word "re-amended. enactment", so that the said section, exclusive of the clauses, shall now read as follows:
 - 16. Where any Act or enactment is repealed and other Re-enactment, provisions are substituted by way of re-enactment, consolidation or revision. amendment, revision or consolidation,
- 10. Clause f of subsection 2 of section 106 of The Judicature Rev. Stat. Act is amended by striking out the words "in Chambers" in subs. 2, cl. f. the first line and inserting in lieu thereof the words "of the amended." Supreme Court", so that the said clause, exclusive of the subclauses, shall now read as follows:
 - (f) empowering the Master of the Supreme Court, or any officer sitting for him, or the local judges, or the local masters in respect of actions brought in their counties, to do any such thing; and to transact any such business, and to exercise any such authority and jurisdiction in respect of the same as are or may be done, transacted, or exercised by a judge of the Supreme Court, in court, upon motions for judgment in undefended actions, for the appointment of receivers by way of equitable execution and for ex parte injunctions and upon motions in chambers or as shall be specified in the rules except in respect to matters relating to.-
- 11. Subsection 2 of section 15 of The Legislative Assembly Rev. Stat., Act, as amended by section 16 of The Statute Law Amendment subs. 2, re-Act, 1939, and subsection 2 of section 2 of The Legislative As-enacted. sembly Amendment Act, 1941, is repealed and the following substituted therefor:
 - (2) Nevertheless, whenever any person holding the office saving in of,—
 - (a) President of the Council:

case of,— exchange o offices in Executive

- (b) Attorney-General;
- (c) Secretary and Registrar of Ontario;
- (d) Treasurer of Ontario;
- (e) Minister of Agriculture
- (*f*) Minister of Education;
- (g) Minister of Health:
- (h) Minister of Highways;
- (i) Minister of Labour;
- (j) Minister of Lands and Forests;
- (k) Minister of Mines;
- (l) Minister of Municipal Affairs;
- (m) Minister of Planning and Development;
- (n) Minister of Public Welfare;
- (o) Minister of Public Works;
- (p) Minister of Reform Institutions; or
- (q) Minister of Travel and Publicity,

and being at the same time a member of the Assembly, resigns his office and accepts any other of the said offices, he shall not thereby vacate his seat in the Assembly.

additional offices in Executive Council.

(3) Where a member of the Executive Council holding any one of the offices enumerated in subsection 2 is appointed to hold another office in addition to or in connection with such first-mentioned office, he shall not thereby vacate his seat, and any increase or change of emolument arising from the holding of such two offices shall not cause a vacancy or render a re-election necessary.

Rev. Stat., c. 178, s. 1, ol. c, amended.

12.—(1) Clause c of section 1 of The Mercantile Law Amendment Act is amended by striking out the word "and" at the end of subclause (ii), by inserting the word "and" at the end of subclause (iii), and by adding thereto the following subclause:

- (iv) a warehouse receipt as defined by The Warehouse 1946, c. 1107. Receipts Act, 1946.
- (2) Section 8 of *The Mercantile Law Amendment Act* is re-Rev. Stat., pealed and the following substituted therefor:

 c. 178, s. 8, re-enacted.
 - 8.—(1) Subject to the provisions of *The Warehouse Re-* Assignment of warehouse ceipts Act, 1946, as to the negotiation of, and the receipts, etc. as collateral transfer of the goods covered by, a warehouse receipt security. as defined therein, the owner of or other person en-1946, c. 107. titled to receive the goods included in a warehouse receipt or bill of lading may transfer such warehouse receipt or bill of lading by endorsement thereon signed by himself, his attorney or agent to any other person as collateral security for any debt owing by him.
 - (2) The endorsement or transfer shall from the date What passes, thereof vest in the transferee all the right or title of the transferor to or in such goods subject to the right of the transferor to have such goods, warehouse receipt or bill of lading re-transferred to him if the debt is paid when due.
 - (3) If the debt is not paid when due the person to whom Rights of such goods, warehouse receipt or bill of lading was so transferred may sell the goods and after satisfying any lien against the goods may retain the proceeds or so much thereof as may be equal to the amount of the debt and shall return the overplus, if any, to the transferor.
- **13**. The Minimum Wage Act is amended by adding thereto Rev. Stat., the following section:
 - 4. The Board, without order, may grant written permis- Handicapped sion to an employer to pay to any employee who is employee. handicapped a wage fixed by it lower than the minimum wage.
- 14. Clause b of subsection 2 of section 8 of The Partnership Rev. Stat., Registration Act, as re-enacted by section 2 of The Partnership $\substack{\text{Subs.} 2 \\ \text{c.} 189. \text{s.} 8}$, Registration Amendment Act, 1941, is repealed and the follow- $\substack{\text{c.} 41, \text{s.} 2 \\ \text{re-enacted.}}$ ing substituted therefor:
 - (b) the name or designation under which he carries on or intends to carry on business, and the date when the name or designation was first used by him.
- 15. Section 43 of *The Quieting Titles Act* is amended by Rev. Stat., striking out the words "in Chambers" in the fourth line and amended.

inserting in lieu thereof the words "of the Supreme Court", so that the said section shall now read as follows:

Powers of Inspector and referees.

43. The Inspector of Titles, the Referee of Titles and every local referee of titles in respect of the petition and the proceedings thereunder shall have the like powers as the Master of the Supreme Court.

1946, c. 102 . 102. 16. Clause a of section 2 of The Trees Conservation Act, re-enacted. 1946, is repealed and the following substituted therefor:

(a) interfere with the right of a person who has been the registered owner of land for at least two years to cut trees thereon for his own use.

Rev. Stat., c. 165, s. 36, subs. 7, amended.

17.—(1) Subsection 7 of section 36 of *The Trustee Act* is amended by striking out the words "surrogate clerk" in the second line and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said subsection shall now read as follows:

Copy of order to be filed with Registrar of the Supreme Court.

(7) A certified copy of the order of removal shall be filed with the Registrar of the Supreme Court, and another copy with the registrar of the surrogate court by which probate or administration was granted, and such officers shall, at or upon the entry of the grant in the registers of their respective offices, make in red ink a short note giving the date and effect of the order, and shall also make a reference thereto in the index of the register at the place where such grant is indexed.

Rev. Stat., c. 165, s. 36, subs. 8, amended.

(2) Subsection 8 of the said section 36 is amended by striking out the words "surrogate clerk" in the second line and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said subsection shall now read as follows:

Endorsement. (8) The date of the grant shall be endorsed on the copy of the order filed with the Registrar of the Supreme Court.

Rev. Stat., c. 375, s. 2, amended.

18.—(1) Section 2 of *The Veterinary College Act* is amended by striking out all the words after the word "successful" in the fifth line and inserting in lieu thereof the words "training for the veterinary profession", so that the said section shall now read as follows:

Appliances and equipment of College.

2. The College shall be furnished with all such appliances and equipment as may be necessary for theoretical and practical training in the science and art of veterinary medicine, and in such other branches of education

as may be requisite for the intelligent and successful training for the veterinary profession.

- (2) Section 6 of The Veterinary College Act is amended by Rev. Stat., e. 375, s. e. striking out the letters "B.V.Sc." in the fifth line and inserting amended. in lieu thereof the words "Doctor of Veterinary Medicine", and by striking out the words "Bachelor of Veterinary Science" in the seventh line and inserting in lieu thereof the words "Doctor of Veterinary Medicine (Veterinary Surgeon)". so that the said section shall now read as follows:
 - 6. Every student shall, upon the successful completion Qualifications for of the course of study, and upon passing the pre-degree of Doctor of scribed examinations, and upon satisfactory com-Veterinary pliance with the rules and regulations of the College, be granted a diploma by the University of Toronto, conferring the title and degree "Doctor of Veterinary Medicine," the possession of which shall admit him to all the privileges, rights and standing of a Doctor of Veterinary Medicine (Veterinary Surgeon).
- 19. Section 4 of *The Commercial Vehicle Act* is amended by Rev. Stat., ding thereto the following subsections: adding thereto the following subsections:
 - (3) The Department may refer any application for the Application transfer of a license to the Board. referred to Board.
 - (4) The Department may at any time refer a license to Department the Board with a recommendation that the terms and may recomconditions of the license should be altered.
 - (5) On a reference under subsection 3 or 4 the Board Order of Board. shall hold a hearing and make such order as it deems just.
- 20. Section 112 of The Land Titles Act, as amended by Rev. Stat., c. 174, s. 112, section 15 of The Statute Law Amendment Act, 1940, is repealed re-enacted. and the following substituted therefor:
 - 112. No plan of survey or subdivision to which The Where 1946, 71 applies. Planning Act, 1946, applies shall be registered unless approved under that Act.
- 21.—(1) Subsection 14 of section 83 of The Registry Act, Rev. Stat., as amended by section 23 of The Statute Law Amendment subs. 14. repealed. Act, 1940, is repealed.
 - (2) Subsection 15 of the said section 83 is repealed.

Rev. Stat., c. 170, s. 83, subs. 15, repealed.

(3) Subsection 20 of the said section 83 is repealed and the Rev. Stat., c. 170, s. 83, subs. 20, refollowing substituted therefor:

pealed.

Where 1946, c. 71, applies.

(20) No plan of survey or subdivision to which *The Planning Act*, 1946, applies shall be registered unless approved under that Act.

Commencement of Acts.

- Rev. Stat., c. 2.
- 22.—(1) Notwithstanding section 4 of *The Statutes Act*, every general or special Act passed at this session of this Legislature and assented to on or before the 3rd day of April, 1947, shall, unless it is otherwise provided in the Act, come into force on the 1st day of June, 1947.

Exceptions.

(2) Notwithstanding subsection 1, the Acts passed at this session of this Legislature entitled An Act respecting the Control of Warble-fly and An Act to amend The Tourist Camp Regulation Act, 1946, shall come into force on the day upon which this Act receives the Royal Assent.

Commencement of section. (3) This section shall come into force on the day upon which this Act receives the Royal Assent.

Commencement of Act.

23. This Act, except section 22, shall come into force on the 1st day of June, 1947.

Short title.

24. This Act may be cited as The Statute Law Amendment Act, 1947.



BILL

The Statute Law Amendment Act, 1947.

1st Reading

March 31st, 1947

2nd Reading
April 1st 1047

April 1st, 1947

3rd Reading

April 2nd, 1947

Mr. Blackwell

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Public Health Act.

Mr. Kelley

TORONTO
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EXPLANATORY NOTE

Clauses zm and zn added to section 5 of the Act provide more effective control of food sanitation by prescribing uniform standards for food handling throughout the Province.

No. 143

1947

BILL

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, renacts as follows:

- **1.** Section **5** of *The Public Health Act* is amended by adding Rev. Stat., thereto the following clauses:
 - (zm) prescribing standards for the construction, opera-Food licenstion and maintenance of any premises where food or standards. drink for human consumption is manufactured, processed or handled;
 - (zn) regulating or restricting the manufacturing, pro-Food cessing, preparing, selling or offering for sale of any food or drink for human consumption.
- 2. This Act shall come into force on the 1st day of June, Commence-nent of Act. 1947.
- 3. This Act may be cited as The Public Health Amendment Short title. Act, 1947.

BILL An Act to amend The Public Health Act.

March 31st, 1947 1st Reading

2nd Reading

3rd Reading

Mr. Kelley

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Public Health Act.

Mr. Kelley



No. 143

1947

BILL

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 5 of *The Public Health Act* is amended by adding Rev. Stat., thereto the following clauses:

 Rev. Stat., c. 299, s. 5 amended.
 - (zm) prescribing standards for the construction, opera-Food licenstion and maintenance of any premises where food or standards. drink for human consumption is manufactured, processed or handled;
 - (zn) regulating or restricting the manufacturing, pro-Food cessing, preparing, selling or offering for sale of any food or drink for human consumption.
- 2. This Act shall come into force on the 1st day of June, Commence-1947.
- 3. This Act may be cited as The Public Health Amendment Short title. Act, 1947.

BILI

An Act to amend The Public Health Act.

1st Reading March 31st, 1947

2 . 1 D . 1'

2nd Reading April 1st, 1947

3rd Reading

April 2nd, 1947

Mr. Kelley

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

The Athletics Control Act, 1947.

Mr. Drew

TORONTO
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EXPLANATORY NOTE

This Act replaces The Athletic Commission Act, 1939.

The principal changes from the present Act which are incorporated in the Bill are:

- (a) Administration of the Act is transferred from the Minister of Health to the Provincial Treasurer (section 2).
 - (b) The Ontario Athletic Commission is abolished.
- (c) Provision is made for the appointment of an Athletics Commissioner.
- (d) Powers formerly exercised by the Commission are transferred to the Provincial Treasurer and the Athletics Commissioner, including,—
 - (i) Tax on gross receipts of professional contests and exhibitions (section 4);
 - (ii) Investigation of boxing and wrestling (section 5);
 - (iii) Investigation of amateur sports (section 6);
 - (iv) Prohibiting use of buildings where moneys are not received (section 11);
 - (v) Approval of contracts (section 12);
 - (vi) Power to make regulations (section 13).
- (e) Moneys received under the Act are to be paid into a special fund (section 8).
- (f) Moneys so received will be used to defray expenses of administration and the balance will be used for a programme of training in physical fitness (section 10).

BILL

The Athletics Control Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpretation,—

- (a) "Commissioner" shall mean Athletics Commissioner; "Commissioner";
- (b) "Fund" shall mean the "Physical Fitness and Recre-"Fund"; ation Fund" established under this Act;
- (c) "Minister" shall mean the Provincial Treasurer; "Minister";
- (d) "person" shall include corporation, association, club "person"; and any unincorporated organization; and
- (e) "professional contest or exhibition" shall mean a pro- "professional fessional contest or exhibition of baseball, bicycle "exhibition riding, boxing, dancing, golf, hockey, jaialai, lacrosse, motor-cycle riding, physical prowess whether by contortion or otherwise, rowing, rugby, running, skating, whether speed skating or figure skating, soccer, swimming, tennis or wrestling and a professional contest or exhibition of any other sport or game designated by the Lieutenant-Governor in Council. 1939, c. 4, s. 1, amended.
- 2. The administration of this Act shall be under the direc-Direction and control of the Minister. 1939, c. 4, s. 2 (3), amended.
- **3.** There shall be an Athletics Commissioner who shall be Athletics appointed by the Lieutenant-Governor in Council. New.
- **4.**—(1) Every person conducting a professional contest or Tax on exhibition shall pay to the Minister an amount,—
 - (a) not exceeding two per centum in the case of any such contest or exhibition not being a boxing or wrestling contest or exhibition;

(b) not less than one per centum and not exceeding five per centum in the case of a boxing or wrestling contest or exhibition,

of the gross receipts in respect of such contest or exhibition as shall be determined by the Minister with the approval of the Lieutenant-Governor in Council.

Reduction of tax.

(2) Where a professional contest or exhibition is not the sole or main attraction offered at any presentation or exhibition for which admission is charged, the Minister may accept such amount as in the circumstances he deems proper in lieu of the percentage of the gross receipts payable under subsection 1.

Remission of tax.

(3) Every person conducting any professional contest or exhibition shall, within three days of the holding of such contest or exhibition, remit to the Minister by registered mail, the amount payable under the provisions of subsection 1.

Penalty.

(4) Every person who conducts or participates in conducting or holding any professional contest or exhibition and who fails to comply with the provisions of this section shall, in addition to the payment of the amounts provided in subsection 1, incur a penalty of not less than an amount equal to such amounts, recoverable under *The Summary Convictions Act.* 1939, c. 4. s. 9, amended.

Rev. Stat., c. 136.

Investigation professional boxing and wrestling.

5.—(1) Where it is charged that a boxing or wrestling contest or exhibition conducted under a license as hereinbefore provided or any agreement, contract or undertaking entered into with respect to such boxing or wrestling contest or exhibition is in violation of the regulations, or that any person connected with or participating in such boxing or wrestling contest or exhibition has been guilty of any such violation or of any unsportsmanlike or unbecoming conduct to the prejudice of the interest of legitimate boxing or wrestling, the Minister may direct the Commissioner or any other person to hold an investigation into such charges.

Impounding and forfeiture. (2) The Minister may order that pending the disposition of the charges so made any moneys which under the terms of any contract or agreement may be payable to any employee of the person holding such boxing or wrestling contest or exhibition or to any boxer or wrestler shall be delivered to the Minister and shall be impounded pending the result of the investigation, and if such charges are held by the Minister to have been proven, the Minister may declare the moneys impounded to be forfeited and such moneys shall thereupon become the property of His Majesty in right of Ontario. 1939, c. 4, s. 11, part, amended.

- 6. Where any branch of the Amateur Athletic Union of Investigation,—Canada in Ontario or any league or body connected with ama-amateur sport operating in Ontario, requests the Minister to cause investigation to be held into any matter which the branch, league or body considers should be investigated in the interest of amateur sport in Ontario, the Minister may direct the Commissioner or any other person to hold an investigation. 1939, c. 4, s. 12, amended.
- 7. For the purposes of an investigation under section 5 or Powers on 6, the Commissioner or other person holding such investigation. tion shall possess all the powers which may be conferred upon a commission appointed under *The Public Inquiries Act.* Rev. Stat.. 1939, c. 4, ss. 11, 12, part, amended.
- **8.** There shall be a fund to be known as the "Physical Physical Fitness and Recreation Fund" and there shall be kept on the Recreation books of the Minister an account to be known as the "Physical Fitness and Recreation Fund Account." *New*.
- **9.** The moneys received by the Minister under section 4 Payment together with all moneys received from license and permit fees, fines and other pecuniary penalties and the impounding of purses or other remuneration shall be paid into the Fund. *New.*
- 10.—(1) At the end of each fiscal year, the Minister shall Reimbursement of Confix the amount of all expenditures incurred during the pre-solidated ceding fiscal year for the administration of this Act and shall Fund.

 pay such amount out of the Fund into the Consolidated Revenue Fund.
- (2) From time to time, the Minister, upon the recom-Expenditures for mendation of the Minister of Education, may expend the physical balance of the Fund or any part thereof for the purposes of fitness any programme of training in physical fitness under regula-gramme. tions made pursuant to subsection 2 of section 4 of The De-Rev. Stat., partment of Education Act. New.
- 11.—(1) Where moneys payable to the Minister under this Prohibiting Act or the regulations in respect of any professional contest building. or exhibition or any contest or exhibition of amateur boxing or wrestling are not received by the Minister within one week of the holding of such contest or exhibition, the Minister may direct that the building or other place where such contest or exhibition was held shall not be used for the holding of any professional contest or exhibition or any contest or exhibition of amateur boxing or wrestling until such moneys have been paid to the Minister.

Penalty.

(2) Where notice in writing of a direction made under subsection 1 is served upon or sent by prepaid registered mail to the owner, lessee or other person having control over the building or other place, such owner, lessee or other person shall incur a penalty of not less than \$20 nor more than \$100 recoverable under *The Summary Convictions Act*, in respect of every professional contest or exhibition or contest or exhibition of amateur boxing or wrestling held in such building or at such place during the continuance in force of such direction. 1939, c. 4, s. 14, amended.

Rev. Stat., c. 136.

Contracts to manage professional boxers and wrestlers. 12. A contract or agreement entered into for the management of any person taking part in professional boxing or wrestling contests or exhibitions, or for the taking part in any such contest or exhibition, shall not be valid or of any force or effect unless it is in writing signed by the parties thereto and approved by the Commissioner and the Commissioner may at any time, by notice in writing to the parties, revoke any approval given by him and thereupon the contract or agreement shall for all purposes be deemed null and void and of no effect. 1939, c. 4, s. 16, amended.

Regulations.

- **13.**—(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—
 - (a) prescribing the powers and duties of the Commissioner;
 - (b) prescribing the equipment to be used for and the rules applicable to the conduct of amateur and professional boxing and wrestling contests and exhibitions including the appointment and duties of the officials of the contests and exhibitions, the definition of fouls and the manner of determining a winner;
 - (c) providing for the issuing of licences and permits for the holding of amateur and professional boxing and wrestling contests and exhibitions and for the suspension and cancellation of such licences and the cancellation of such permits;
 - (d) providing for the licensing of amateur and professional boxers and wrestlers, managers of professional boxers and wrestlers and referees, seconds and other officials officiating at amateur or professional boxing or wrestling contests or exhibitions and for the suspension and cancellation of such licences;
 - (e) providing for the payment of fees for licences and permits and the manner of collecting such fees;
 - (f) providing for payment to the Minister of a fee or charge by way of a licence fee or otherwise in respect

of the holding of any amateur boxing or wrestling contest or exhibition and for the manner of collecting such fee or charge:

- (g) providing for the impounding of purses or other remuneration of professional boxers and wrestlers and for the levving of fines or other pecuniary penalties against persons who are the holders or who by regulation are required to be the holders of other classes of licences issued under this Act, for violations of this Act or the regulations:
- (h) prescribing the forms of contracts to be used in connection with the services and management of professional boxers and wrestlers:
- (i) prescribing the duties and liabilities of persons holding contests and exhibitions of boxing and wrestling and the security to be furnished to ensure the performance of such duties and discharge of such liabilities;
- (j) regulating the holding and conduct of professional contests or exhibitions of dancing, swimming, rowing and tennis:
- (k) prescribing the rights, powers and duties which the Minister and his officials shall have, exercise and perform in connection with professional contests and exhibitions:
- (l) defining "amateur" and "professional" for the purposes of this Act and the regulations; and
- (m) generally for the better carrying out of the provisions of this Act.
- (2) Every person who conducts or participates in conduct-Penalty. ing or holding a boxing or wrestling contest or exhibition without having received any licence required by the regulations, or who otherwise violates any provision of the regulations, shall incur a penalty of not less than \$20, nor more than \$1,000, recoverable under The Summary Convictions Act. 1939, c. 4, s. 10, amended.
- 14.—(1) All real property of the Ontario Athletic Com-Real property mission appointed under *The Athletic Commission Act, 1939*, of Ontario shall be the property of His Majesty in right of Ontario Commission. represented by the Minister of Public Works.
- (2) All personal property of the Ontario Athletic Commis- Personal property of (2) All personal property of the Officero Act, 1939, shall Officero Sion appointed under The Athletic Commission Act, 1939, shall Officero Commission

be the property of His Majesty in right of Ontario represented by the Minister. New.

1939, c. 4, repealed.

15. The Athletic Commission Act, 1939, is repealed.

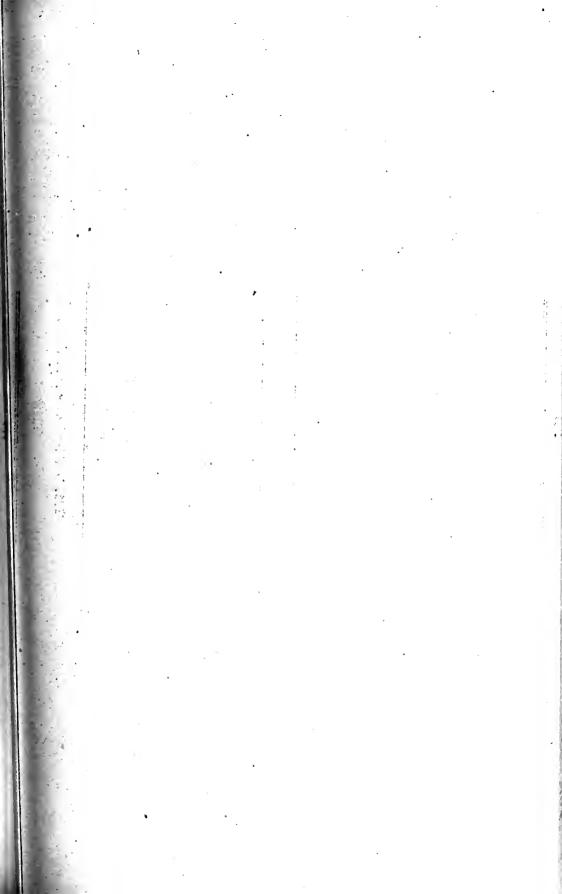
Commencement of Act. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

17. This Act may be cited as The Athletics Control Act, 1947.







BiLL

The Athletics Control Act, 1947.

1st Reading
April 1st, 1947

2nd Reading

3rd Reading

Mr. Drew

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

The Athletics Control Act, 1947.

Mr. Drew

 ${\tt TORONTO}$

PRINTED AND PUBLISHED BY H. E. BROWN ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 144

1947

BILL

The Athletics Control Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpreta-

- (a) "Commissioner" shall mean Athletics Commissioner; "Commissioner":
- (b) "Fund" shall mean the "Physical Fitness and Recre-"Fund"; ation Fund" established under this Act;
- (c) "Minister" shall mean the Provincial Treasurer; "Minister":
- (d) "person" shall include corporation, association, club "person": and any unincorporated organization; and
- (e) "professional contest or exhibition" shall mean a pro- "professional fessional contest or exhibition of baseball, bicycle "exhibitiding, boxing, dancing, golf, hockey, jaialai, lacrosse, motor-cycle riding, physical prowess whether by contortion or otherwise, rowing, rugby, running, skating, whether speed skating or figure skating, soccer, swimming, tennis or wrestling and a professional contest or exhibition of any other sport or game designated by the Lieutenant-Governor in Council. 1939, c. 4, s. 1, amended.
- 2. The administration of this Act shall be under the direc-Direction and control of the Minister. 1939, c. 4, s. 2 (3), amended.
- **3.** There shall be an Athletics Commissioner who shall be Athletics appointed by the Lieutenant-Governor in Council. New.
- **4.**—(1) Every person conducting a professional contest or Tax on exhibition shall pay to the Minister an amount,—
 - (a) not exceeding two per centum in the case of any such contest or exhibition not being a boxing or wrestling contest or exhibition;

(b) not less than one per centum and not exceeding five per centum in the case of a boxing or wrestling contest or exhibition.

of the gross receipts in respect of such contest or exhibition as shall be determined by the Minister with the approval of the Lieutenant-Governor in Council.

Reduction of tax.

(2) Where a professional contest or exhibition is not the sole or main attraction offered at any presentation or exhibition for which admission is charged, the Minister may accept such amount as in the circumstances he deems proper in lieu of the percentage of the gross receipts payable under subsection 1.

Remission of tax.

(3) Every person conducting any professional contest or exhibition shall, within three days of the holding of such contest or exhibition, remit to the Minister by registered mail, the amount payable under the provisions of subsection 1.

Penalty.

(4) Every person who conducts or participates in conducting or holding any professional contest or exhibition and who fails to comply with the provisions of this section shall, in addition to the payment of the amounts provided in subsection 1, incur a penalty of not less than an amount equal to such amounts, recoverable under *The Summary Convictions Act.* 1939, c. 4, s. 9, amended.

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- Investigation professional boxing and wrestling.
- 5.—(1) Where it is charged that a boxing or wrestling contest or exhibition conducted under a license as herein provided or any agreement, contract or undertaking entered into with respect to such boxing or wrestling contest or exhibition is in violation of the regulations, or that any person connected with or participating in such boxing or wrestling contest or exhibition has been guilty of any such violation or of any unsportsmanlike or unbecoming conduct to the prejudice of the interest of legitimate boxing or wrestling, the Minister may direct the Commissioner or any other person to hold an investigation into such charges.

Impounding and forfeiture. (2) The Minister may order that pending the disposition of the charges so made any moneys which under the terms of any contract or agreement may be payable to any employee of the person holding such boxing or wrestling contest or exhibition or to any boxer or wrestler shall be delivered to the Minister and shall be impounded pending the result of the investigation, and if such charges are held by the Minister to have been proven, the Minister may declare the moneys impounded to be forfeited and such moneys shall thereupon become the property of His Majesty in right of Ontario. 1939, c. 4, s. 11, part, amended.

- 6. Where any branch of the Amateur Athletic Union of Investigation.—Canada in Ontario or any league or body connected with ama-amateur sport operating in Ontario, requests the Minister to cause investigation to be held into any matter which the branch, league or body considers should be investigated in the interest of amateur sport in Ontario, the Minister may direct the Commissioner or any other person to hold an investigation. 1939, c. 4, s. 12, amended.
- 7. For the purposes of an investigation under section 5 or Powers on 6, the Commissioner or other person holding such investigation. tion shall possess all the powers which may be conferred upon a commission appointed under *The Public Inquiries Act.* Rev. Stat., 1939, c. 4, ss. 11, 12, part, amended.
- **8**. There shall be a fund to be known as the "Physical Physical Fitness and Recreation Fund" and there shall be kept on the Recreation books of the Minister an account to be known as the "Physical Fitness and Recreation Fund Account." New.
- **9.** The moneys received by the Minister under section 4 Payment together with all moneys received from license and permit fees, fines and other pecuniary penalties and the impounding of purses or other remuneration shall be paid into the Fund. *New*.
- 10.—(1) At the end of each fiscal year, the Minister shall Reimbursefix the amount of all expenditures incurred during the presolidated Revenue ceding fiscal year for the administration of this Act and shall Fund.

 pay such amount out of the Fund into the Consolidated Revenue Fund.
- (2) From time to time, the Minister, upon the recom-Expenditures for mendation of the Minister of Education, may expend the physical balance of the Fund or any part thereof for the purposes of fitness any programme of training in physical fitness under regulations made pursuant to subsection 2 of section 4 of The De-Rev. Stat., partment of Education Act. New.
- 11.—(1) Where moneys payable to the Minister under this Prohibiting Act or the regulations in respect of any professional contest building. or exhibition or any contest or exhibition of amateur boxing or wrestling are not received by the Minister within one week of the holding of such contest or exhibition, the Minister may direct that the building or other place where such contest or exhibition was held shall not be used for the holding of any professional contest or exhibition or any contest or exhibition of amateur boxing or wrestling until such moneys have been paid to the Minister.

Penalty.

(2) Where notice in writing of a direction made under subsection 1 is served upon or sent by prepaid registered mail to the owner, lessee or other person having control over the building or other place, such owner, lessee or other person shall incur a penalty of not less than \$20 nor more than \$100 recoverable under *The Summary Convictions Act*, in respect of every professional contest or exhibition or contest or exhibition of amateur boxing or wrestling held in such building or at such place during the continuance in force of such direction. 1939, c. 4, s. 14, amended.

Rev. Stat., c. 136.

Contracts to

manage professional

boxers and

wrestlers.

12. A contract or agreement entered into for the management of any person taking part in professional boxing or wrestling contests or exhibitions, or for the taking part in any such contest or exhibition, shall not be valid or of any force or effect unless it is in writing signed by the parties thereto and approved by the Commissioner and the Commissioner may at any time, by notice in writing to the parties, revoke any approval given by him and thereupon the contract or agreement shall for all purposes be deemed null and void and of no effect. 1939, c. 4, s. 16, amended.

Regulations.

13.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

- (a) prescribing the powers and duties of the Commissioner;
- (b) prescribing the equipment to be used for and the rules applicable to the conduct of amateur and professional boxing and wrestling contests and exhibitions including the appointment and duties of the officials of the contests and exhibitions, the definition of fouls and the manner of determining a winner;
- (c) providing for the issuing of licences and permits for the holding of amateur and professional boxing and wrestling contests and exhibitions and for the suspension and cancellation of such licences and the cancellation of such permits;
- (d) providing for the licensing of amateur and professional boxers and wrestlers, managers of professional boxers and wrestlers and referees, seconds and other officials officiating at amateur or professional boxing or wrestling contests or exhibitions and for the suspension and cancellation of such licences:
- (e) providing for the payment of fees for licences and permits and the manner of collecting such fees;
- (f) providing for payment to the Minister of a fee or charge by way of a licence fee or otherwise in respect

of the holding of any amateur boxing or wrestling contest or exhibition and for the manner of collecting such fee or charge:

- (g) providing for the impounding of purses or other remuneration of professional boxers and wrestlers and for the levying of fines or other pecuniary penalties against persons who are the holders or who by regulation are required to be the holders of other classes of licences issued under this Act, for violations of this Act or the regulations;
- (h) prescribing the forms of contracts to be used in connection with the services and management of professional boxers and wrestlers:
- (i) prescribing the duties and liabilities of persons holding contests and exhibitions of boxing and wrestling and the security to be furnished to ensure the performance of such duties and discharge of such liabilities;
- (j) regulating the holding and conduct of professional contests or exhibitions of dancing, swimming, rowing and tennis:
- (k) prescribing the rights, powers and duties which the Minister and his officials shall have, exercise and perform in connection with professional contests and exhibitions:
- (l) defining "amateur" and "professional" for the purposes of this Act and the regulations; and
- (m) generally for the better carrying out of the provisions of this Act.
- (2) Every person who conducts or participates in conduct-Penalty. ing or holding a boxing or wrestling contest or exhibition without having received any licence required by the regulations, or who otherwise violates any provision of the regulations, shall incur a penalty of not less than \$20, nor more than \$1,000, recoverable under The Summary Convictions Act. 1939, c. 4, s. 10, amended.
- 14.—(1) All real property of the Ontario Athletic Com-Real property mission appointed under *The Athletic Commission Act*, 1939, of Ontario shall be the property of His Majesty in right of Ontario Commission. represented by the Minister of Public Works.
- (2) All personal property of the Ontario Athletic Commis-Personal property of sion appointed under *The Athletic Commission Act, 1939*, shall Athletic Athletic

be the property of His Majesty in right of Ontario represented by the Minister. New.

1939, c. 4, repealed.

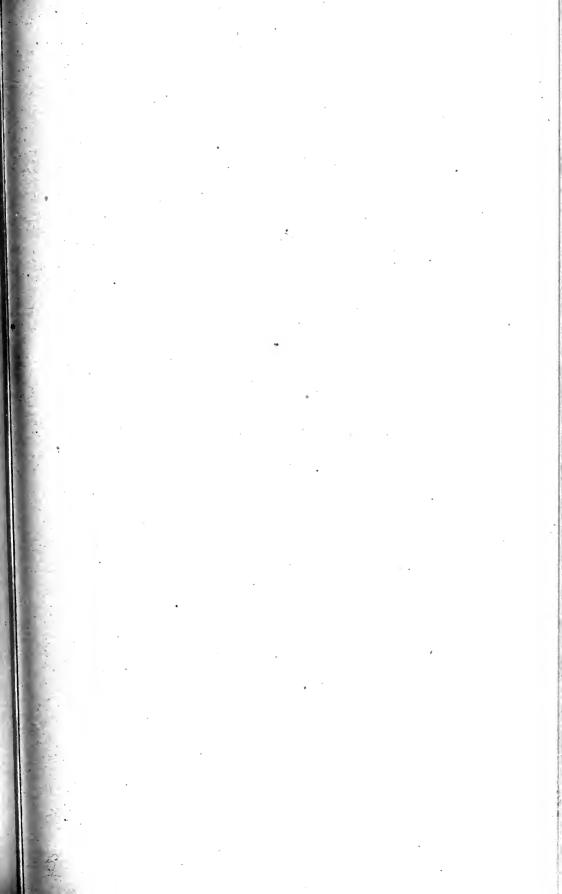
15. The Athletic Commission Act, 1939, is repealed.

Commencement of Act.

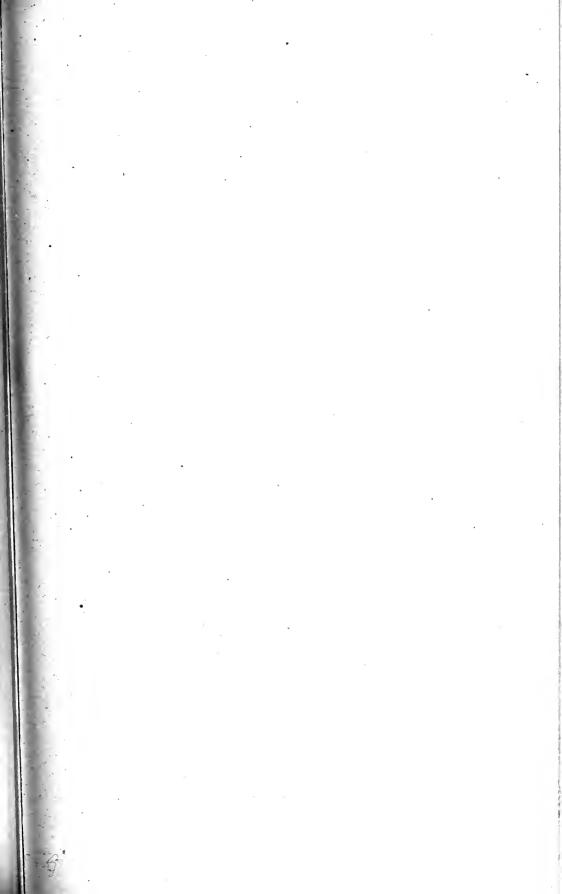
16. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

17. This Act may be cited as The Athletics Control Act, 1947.







BILL

The Athletics Control Act, 1947.

1st Reading April 1st, 1947

2nd Reading
April 2nd, 1947

3rd Reading

April 2nd, 1947

Mr. Drew

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

The Labour Relations Board Act, 1947.

Mr. Daley



No. 145

BILL

The Labour Relations Board Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any of the provisions of The Labour Regula-Relations Board Act, 19.14, The Labour Relations Board 1944, c. 29. Amendment Act, 1946, or any other Act of this Legislature, or any Act of the Parliament of Canada, or any regulations passed under any of such Acts, the Lieutenant-Governor in Council may provide that the regulations appearing in Schedule A and Schedule B to The Labour Relations Board Act, 1944, with such amendments as have been made thereto under any Act of the Parliament of Canada and which have also been made applicable for the purposes of The Labour Relations Board Act, 1944, by the Lieutenant-Governor in Council shall, with such alterations as may be necessary to fully vest jurisdiction for the administration thereof in the appropriate provincial authorities and such other alterations as the Lieutenant-Governor in Council may otherwise deem necessary in the circumstances, apply to all employees whose relations with their employers are ordinarily within the exclusive jurisdiction of this Legislature and to the employers thereof as if such regulations had been initially enacted under the authority of an Act of this Legislature at the time when such regulations were made applicable in Ontario under The Labour Relations Board Act, 1944.

2. Notwithstanding the provisions of this Act,—

Appeals and conciliation.

1947

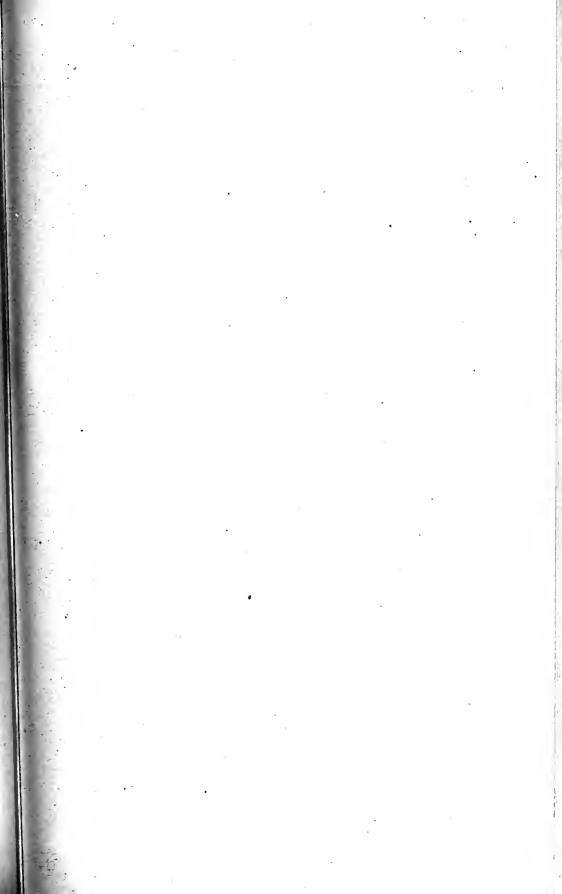
- (a) the Wartime Labour Relations Board (Canada) shall have jurisdiction to hear and dispose of any appeal thereto where,
 - (i) leave for such appeal has been granted before the date of the coming into force of this Act, and
 - (ii) such Board or the members thereof undertake to hear and dispose of the appeal; and

(b) where an application to the Ontario Labour Relations Board to intervene, with a view to the completion of an agreement, has been referred to the Minister of Labour for Canada under the regulations referred to in section 1 on or before the date of the coming into force of this Act, the Minister of Labour for Canada may appoint a conciliation officer and where the conciliation officer recommends the appointment of a conciliation board, the Minister of Labour for Canada may appoint a conciliation board and the conciliation officer and the conciliation board shall have the same power as they would have had had this Act not been passed.

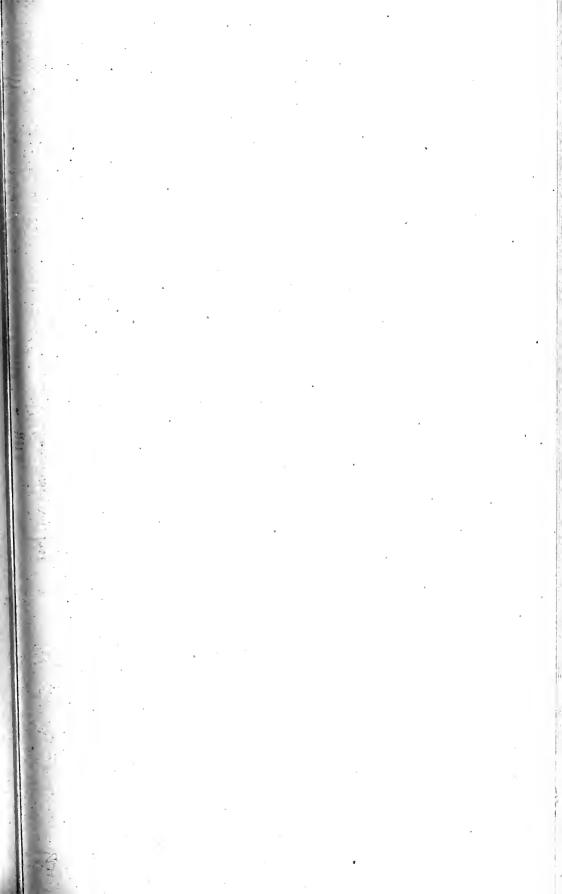
Commencement of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. 4. This Act may be cited as The Labour Relations Board Act, 1947.







BIL

The Labour Relations Board Act, 1947.

1st Reading April 2nd, 1947

2nd Reading

April 2nd, 1947

3rd Reading

Mr. Daley

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

The Labour Relations Board Act, 1947.

Mr. Daley

TORONTO PRINTED AND PUBLISHED BY H. E. BROWN ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY





No. 145

1947

BILL

The Labour Relations Board Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any of the provisions of The Labour Regula-Relations Board Act, 1944, The Labour Relations Board 1944, c. 29. Amendment Act, 1946, or any other Act of this Legislature, or any Act of the Parliament of Canada, or any regulations passed under any of such Acts, the Lieutenant-Governor in Council may provide that the regulations appearing in Schedule A and Schedule B to The Labour Relations Board Act, 1944, with such amendments as have been made thereto under any Act of the Parliament of Canada and which have also been made applicable for the purposes of The Labour Relations Board Act, 1944, by the Lieutenant-Governor in Councilshall, with such alterations as may be necessary to fully vest jurisdiction for the administration thereof in the appropriate provincial authorities and such other alterations as the Lieutenant-Governor in Council may otherwise deem necessary in the circumstances, apply to all employees whose relations with their employers are ordinarily within the exclusive jurisdiction of this Legislature and to the employers thereof as if such regulations had been initially enacted under the authority of an Act of this Legislature at the time when such regulations were made applicable in Ontario under The Labour Relations Board Act. 1944.

2. Notwithstanding the provisions of this Act,—

Appeals and conciliation.

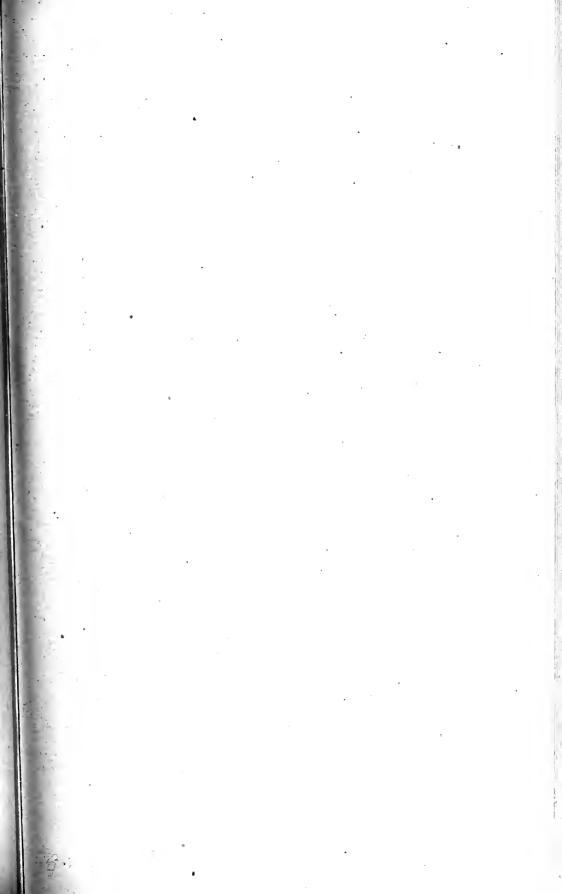
- (a) the Wartime Labour Relations Board (Canada) shall have jurisdiction to hear and dispose of any appeal thereto where.
 - (i) leave for such appeal has been granted before the date of the coming into force of this Act, and
 - (ii) such Board or the members thereof undertake to hear and dispose of the appeal; and

(b) where an application to the Ontario Labour Relations Board to intervene, with a view to the completion of an agreement, has been referred to the Minister of Labour for Canada under the regulations referred to in section 1 on or before the date of the coming into force of this Act, the Minister of Labour for Canada may appoint a conciliation officer and where the conciliation officer recommends the appointment of a conciliation board, the Minister of Labour for Canada may appoint a conciliation board and the conciliation officer and the conciliation board shall have the same power as they would have had had this Act not been passed.

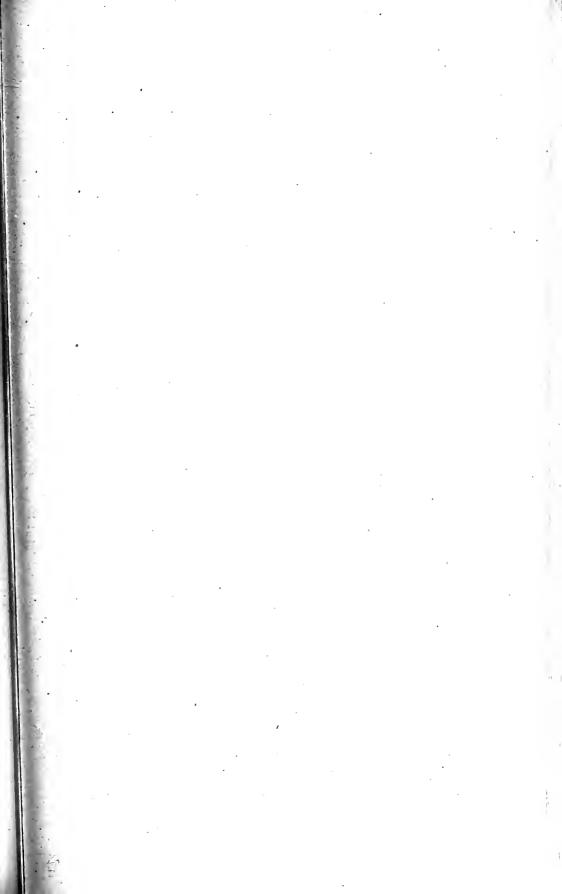
Commencement of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. 4. This Act may be cited as The Labour Relations Board Act, 1947.







The Labour Relations Board Act, 1947.

1st Reading April 2nd, 1947

2nd Reading

April 2nd, 1947

3rd Reading April 2nd, 1947

Mr. Daley

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1948.

MR. FROST

TORONTO
PRINTED AND PUBLISHED BY H. E. BROWN
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 146

1947

BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1948.

Most Gracious Sovereign:

HEREAS it appears by message from the Honourable Preamble. Ray Lawson, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedule to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending the \$1st day of March, 1948, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

- 1. From and out of the Consolidated Revenue Fund of this \$127,491.—Province, there may be paid and applied a sum not exceeding granted for in the whole one hundred and twenty-seven million, four fiscal year hundred and ninety-one thousand, seven hundred and eighty-five dollars and fifty-five cents towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of April, 1947, to the 31st day of March, 1948, as set forth in schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based.
- 2. Accounts in detail of all moneys received on account of Accounts to this Province during the financial year 1947-48 and of all Assembly expenditures under schedule A of this Act shall be laid before the Legislative Assembly at the first sitting after the 31st day of December, 1948.
- **3.** Any part of the money under schedule A appropriated by Appropriathis Act out of the Consolidated Revenue, which may be 1947-48 unexpended on the 31st day of March, 1948, shall not be to lapse.

expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off.

Rev. Stat., c. 24.

Accounting for expenditure.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

Commencement of Act. 5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. 6. This Act may be cited as The Supply Act, 1947.

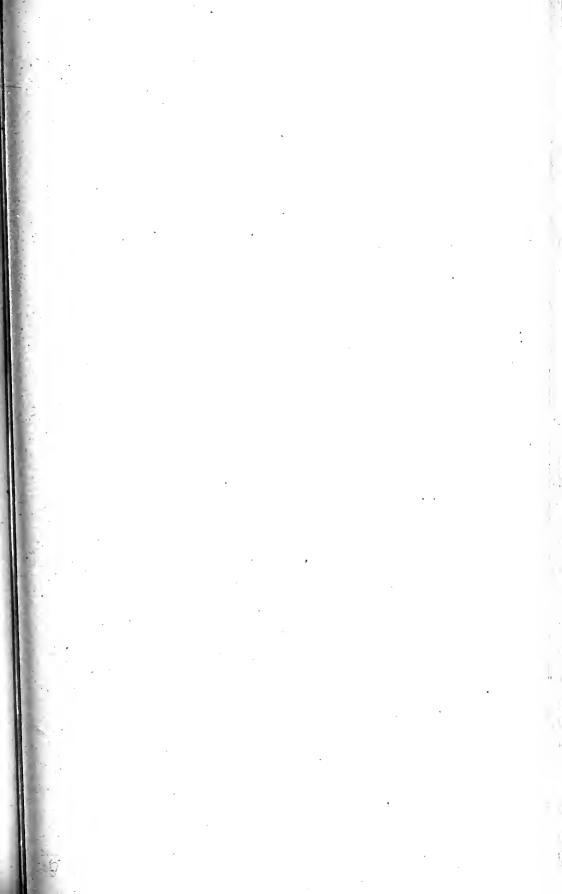
SCHEDULE A

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of March, one thousand nine hundred and forty-eight to defray expenses of:

Agriculture Department\$	5,097,006.00
Attorney-General's Department	5,211,000.00
Education Department	35,938,900.00
Health Department	18,472,580.00
Highways Department	1,864,300.00
Labour Department	2,234,593.55
Lands and Forests Department	7,192,000.00
Lieutenant-Governor's Office	11,000.00
Mines Department	754,935.00
Municipal Affairs Department	568,369.00
Planning and Development Department	328,000.00
Prime Minister's Department	47,450.00
Provincial Auditor's Office	155,500.00
Provincial Secretary's Department	1,169,390.00
Provincial Treasurer's Department	5,738,645.00
Public Welfare Department	28,676,417.00
Public Works Department	9,792,100.00
Reform Institutions Department	3,812,600.00
Travel and Publicity Department	327,000.00
Miscellaneous	100,000.00

Total	estimates	for	expenditure	of	1947-	•
1948	3				\$12	7.491.785.55





BILI

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1948.

1st Reading April 3rd, 1947

2nd Reading

April 3rd, 1947

3rd Reading

April 3rd, 1947

Mr. Frost

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The High Schools Act.

MR. DREW

TORONTO PRINTED AND PUBLISHED BY BAPTIST JOHNSTON PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

Section 1. A definition of "equalized assessment" is added to assist in interpreting the sections of the Act under which high schools are financed (e.g., sections 42, 43).

Section 2. Under the present grant scheme, grants are paid, up to a maximum over-all expenditure, on all types of approved permanent improvements for high schools and continuation schools. It is essential that these grants be deducted by school boards before any county is charged for the cost of education of county pupils. The words referring to permanent improvements are therefore deleted.

Sections 3 and 4. Under the Act at present all the budget requirements of a high school board are raised by a uniform rate over the whole high school district by the municipalities in the district and paid to the board. No money is required to be paid to a municipality to meet debenture charges on debentures it has issued to erect a high school for the district. These amendments are designed to remove this difficulty.

The effect of the amendments will be that the sums required by the board for maintenance and authorized capital expenditures payable out of current revenue will be raised proportionately by the municipalities in the district on the basis of equalized assessment and paid to the board. The sums required for debentures will be raised in the same way but paid to the municipality that issued the debentures.

No. 147 1947

BILL

An Act to amend The High Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The High Schools Act* is Rev. Stat., c. 360, s. 1, amended by adding thereto the following clause: subs. 1, amended.

(dd) "Equalized assessment" shall have the same mean-assessment" ing as in The Assessment Act.

"Equalized assessment" Rev. Stat., c. 272.

2. Clause b of subsection 1 of section 36 of The High Rev. Stat., Schools Act, as re-enacted by subsection 1 of section 7 of The subs. 1, cl. b School Law Amendment Act, 1943, is amended by striking out s. 7, subs. 1). the words "but excluding those made for permanent improvements to high schools and continuation schools" in the fourth, fifth and sixth lines, so that the said clause shall now read as follows:

- (b) Secondly, the total gross current revenues for the same calendar year from legislative grants, including grants for permanent improvements to vocational schools and vocational school departments, fees other than those raised by taxation, rents, donations other than for permanent improvements, and from all other sources except from taxation shall be ascertained.
- **3.** Section 42 of *The High Schools Act*, as re-enacted by Rev. Stat., section 9 of *The High Schools Amendment Act*, 1946, is repealed (1946, c. 37, and the following substituted therefor:

 S. 9), 18-enacted.
 - 42. The council or councils of a municipality or munici-Rates. palities comprising a high school district shall levy and collect each year and transfer to the board from time to time as required, but not later than the 15th day of December, such amount as the board may deem necessary for,—

- (a) maintenance of the high school or high schools within the jurisdiction of the board;
- (b) payment of fees of pupils legally attending other high schools, continuation schools or vocational schools; and
- (c) capital expenditures out of current revenue not exceeding \$5,000 or for such greater sum as may be authorized by the Ontario Municipal Board,

and such amount shall be apportioned and raised in the manner provided in subsection 8 or 8a, as the case may be, of section 43.

Rev. Stat., c. 360, s. 43, amended.

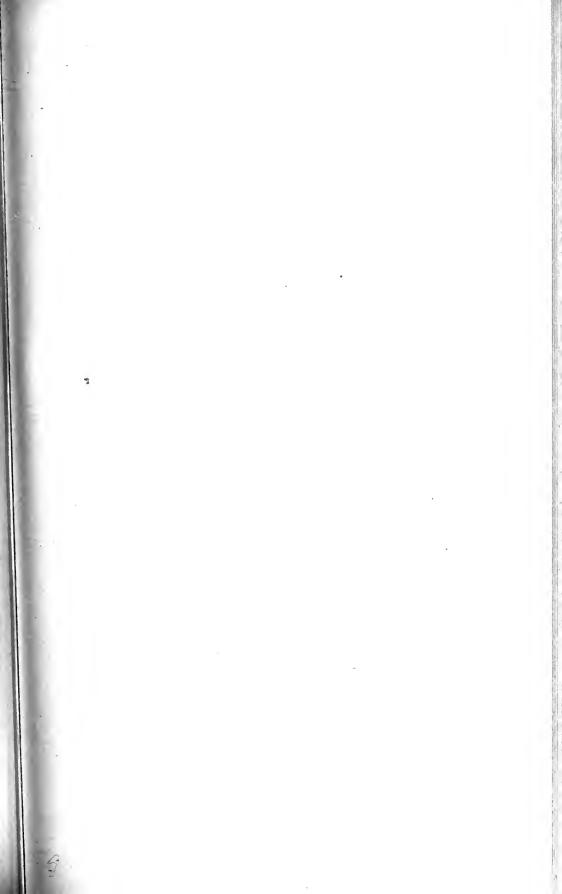
4. Section 43 of *The High Schools Act*, as amended by section 22 of *The School Law Amendment Act*, 1938, and section 10 of *The High Schools Amendment Act*, 1946, is further amended by adding thereto the following subsections:

Proportionate liability for debenture debt.

(8) Where a high school district comprises more than one municipality or more than one municipality and a part or parts of one or more municipalities and the municipalities or parts form part of a county for municipal purposes, each municipality shall be liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the equalized assessment of the municipality or part bears to the equalized assessment of the whole district, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part, as the case may be, and pay its proportion to the municipality that has issued the debentures, unless a greater obligation is assumed by one or more of the municipalities in which case the proportion to be paid by each shall be such as may be agreed upon.

Idem.

(8a) Where a high school district comprises a city or separated town and one or more municipalities or parts of municipalities that form part of a county for municipal purposes, each municipality shall be liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the city or separated town or the equalized assessment of the municipality, or part, as the case may be, bears to the total of the assessment of the city or separated town and of the equalized assessments of the municipalities or parts, and the council of each municipalities or parts, and the council of each municipality.



Section 5. The Act is made effective at the end of this year in order that surpluses of 1947, if any, may be applied against debentures in 1948 under the new subsection 8b of section 43 of the Act.

pality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures, unless a greater obligation is assumed by one or more of the municipalities in which case the proportion to be paid by each shall be such as may be agreed upon.

- (8b) Where in any year the receipts of a board from all Surplus sources including legislative grants results in a surplus, the board shall pay to the municipality that has issued the debentures the amount of the surplus up to but not exceeding the amount due in the following year for principal and interest on the debentures and the amount for which each municipality shall be liable in the following year in respect of the principal and interest on the debentures shall be reduced accordingly.
- **5.** This Act shall come into force on the day upon which it Commencereceives the Royal Assent and shall have effect on and after the 31st day of December, 1947.
- 6. This Act may be cited as The High Schools Amendment Short title. Act, 1947 (No. 2).

An Act to amend The High Schools Act.

Ist Reading October 22nd, 1947

2nd Reading

3rd Reading

Mr. Drew

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The High Schools Act.

Mr. Drew

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 147

BILL

An Act to amend The High Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The High Schools Act* is Rev. Stat., amended by adding thereto the following clause:

subs. 1, amended.

(dd) "Equalized assessment" shall have the same mean-"Equalized assessment" ing as in *The Assessment Act*.

"Equalized assessment" Rev. Stat., c. 272.

2. Clause b of subsection 1 of section 36 of The High Rev. Stat... Schools Act, as re-enacted by subsection 1 of section 7 of The subs. 1, cl. b School Law Amendment Act, 1943, is amended by striking out s. 7, subs. 1), the words "but excluding those made for permanent improvements to high schools and continuation schools" in the fourth, fifth and sixth lines, so that the said clause shall now read as follows:

- (b) Secondly, the total gross current revenues for the same calendar year from legislative grants, including grants for permanent improvements to vocational schools and vocational school departments, fees other than those raised by taxation, rents, donations other than for permanent improvements, and from all other sources except from taxation shall be ascertained.
- 3. Section 42 of *The High Schools Act*, as re-enacted by Rev. Stat.. section 9 of *The High Schools Amendment Act*, 1946, is repealed (1946, c. 37, and the following substituted therefor:

 s. 9), re-enacted.
 - 42. The council or councils of a municipality or munici-Rates. palities comprising a high school district shall levy and collect each year and transfer to the board from time to time as required, but not later than the 15th day of December, such amount as the board may deem necessary for,—

- (a) maintenance of the high school or high schools within the jurisdiction of the board;
- (b) payment of fees of pupils legally attending other high schools, continuation schools or vocational schools; and
- (c) capital expenditures out of current revenue not exceeding \$5,000 or for such greater sum as may be authorized by the Ontario Municipal Board,

and such amount shall be apportioned and raised in the manner provided in subsection 8 or 8a, as the case may be, of section 43.

Rev. Stat., c. 360, s. 43, amended.

4. Section 43 of *The High Schools Act*, as amended by section 22 of *The School Law Amendment Act*, 1938, and section 10 of *The High Schools Amendment Act*, 1946, is further amended by adding thereto the following subsections:

Proportionate liability for debenture debt.

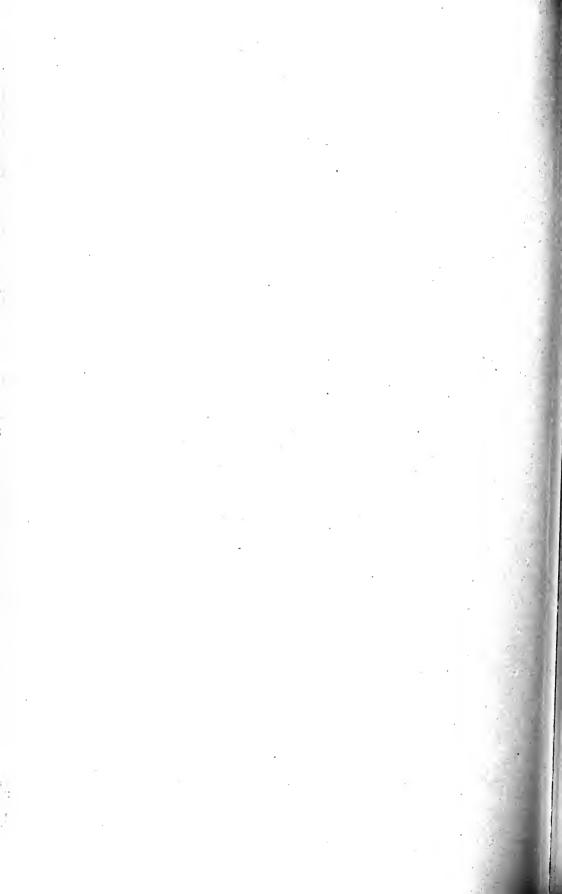
(8) Where a high school district comprises more than one municipality or more than one municipality and a part or parts of one or more municipalities and the municipalities or parts form part of a county for municipal purposes, each municipality shall be liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the equalized assessment of the municipality or part bears to the equalized assessment of the whole district, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part, as the case may be, and pay its proportion to the municipality that has issued the debentures, unless a greater obligation is assumed by one or more of the municipalities in which case the proportion to be paid by each shall be such as may be agreed upon.

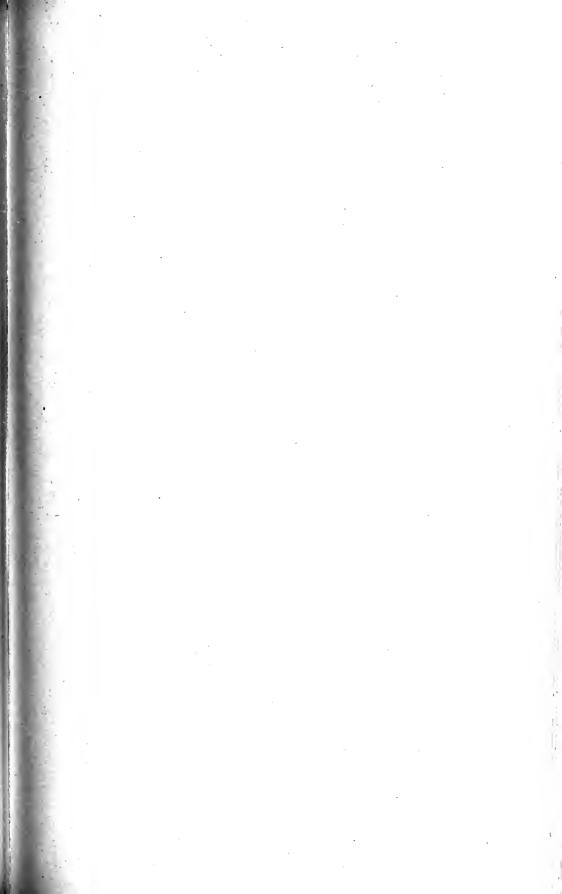
Idem.

(8a) Where a high school district comprises a city or separated town and one or more municipalities or parts of municipalities that form part of a county for municipal purposes, each municipality shall be liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the city or separated town or the equalized assessment of the municipality, or part, as the case may be, bears to the total of the assessment of the city or separated town and of the equalized assessments of the municipalities or parts, and the council of each municipalities or parts, and the council of each municipalities.

pality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures, unless a greater obligation is assumed by one or more of the municipalities in which case the proportion to be paid by each shall be such as may be agreed upon.

- (8b) Where in any year the receipts of a board from all Surplus. sources including legislative grants results in a surplus, the board shall pay to the municipality that has issued the debentures the amount of the surplus up to but not exceeding the amount due in the following year for principal and interest on the debentures and the amount for which each municipality shall be liable in the following year in respect of the principal and interest on the debentures shall be reduced accordingly.
- 5. This Act shall come into force on the 31st day of Commencement of Act. December, 1947.
- 6. This Act may be cited as The High Schools Amendment short title. Act, 1947 (No. 2).





An Act to amend The High Schools Act.

1st Reading

October 22nd, 1947

2nd Reading October 27th, 1947

3rd Reading

October 30th, 1947

Mr. Drew

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Milk Control Act.

MR. KENNEDY

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

The proposed new section 13 provides for collective bargaining for the purpose of establishing the price of milk paid to producers of milk which is sold to distributors or processors other than creameries and cheese factories. Collective bargaining may be required either by the producers or by the distributors or by any class of processors, who are representative of any market or markets. Each of the parties appoint collective bargaining representatives and if the collective bargaining representatives are unable to agree, the representatives of each of the parties appoint an arbitrator and the two arbitrators so appointed appoint a third arbitrator who acts as chairman.

The collective bargaining agreement or award of the arbitrators is filed with the Board and in that manner the price of all milk purchased for the particular market or markets and for the particular purpose (i.e., for sale by distributors or for processing by the particular class of processors represented) is determined.

The Milk Control Board comes into the picture in the collective bargaining proceedings only to determine whether the persons engaged in collective bargaining are representative of all those engaged in the particular market or markets and to make appointments of either collective bargaining representatives or arbitrators where those charged by the Act with the appointment neglect to make the appointment.

By the proposed section 4a the maximum price of fluid milk and cream sold to consumers is fixed at the current price on October 22nd but this price may be altered by regulations made by the Board with the approval of the Lieutenant-Governor in Council. (See section 4 of the Bill.) By the same proposed section the minimum price paid to producers for milk is fixed as of October 22nd but this may be altered by collective bargaining or by regulations made by the Milk Control Board and approved by the Lieutenant-Governor in Council.

The Act also provides for the making of regulations by the Board with the approval of the Lieutenant-Governor in Council for regulating and controlling the delivery routes of distributors and also for controlling the types of containers used in the delivery of milk by distributors. (See section 4 of the Bill.)

The provisions of the present Act which are inconsistent with the principles embodied in the Bill are repealed.

BILL

An Act to amend The Milk Control Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Clause c of subsection 1 of section 4 of *The Milk Control* $\substack{\text{Rev. Stat.,} \\ c. 76, s. 4, \\ \text{subs. 1.} \\ cl. c, repealed.}$
- 2. The Milk Control Act is amended by adding thereto the Rev. Stat., following section:
 - 4a.—(1) In each part of Ontario the current prices at Sale price of fluid which fluid milk and cream are currently sold by milk and retail on the 22nd day of October, 1947, shall, until such prices are altered by the regulations, be the maximum prices at which fluid milk and cream respectively, may be sold by retail.
 - (2) In each part of Ontario the current prices at which Purchase fluid milk is purchased from producers, except by fluid milk. retail, on the 22nd day of October, 1947, shall, until such prices are altered under the provisions of this Act, be the minimum prices at which fluid milk shall be purchased from producers.
- 3. Section 13 of *The Milk Control Act*, as amended by Rev. Stat., *The Milk Control Amendment Act*, 1941, is repealed and the re-enacted. following substituted therefor:
 - 13.—(1) The producers, distributors or any class of Collective processors, other than creameries and cheese factories, of milk in any market or markets may require,—
 - (a) in the case of producers, the distributors or processors to whom they sell milk; or
 - (b) in the case of distributors or processors, the producers from whom they purchase milk,

to bargain collectively in order to determine the price that shall be paid to the producers supplying milk to distributors or such class of processors in such market or markets.

Notice.

- (2) Notice of a request to bargain collectively setting out,—
 - (a) the names of the persons or of any association joining in the notice;
 - (b) the names and addresses of the collective bargaining representatives; and
 - (c) the market or markets in respect of which collective bargaining is sought,

shall be given to the persons who are required to bargain collectively or to any association which is representative of such persons, and a copy of the notice shall be sent to the board.

Sufficiency of representation.

(3) Where the board is of opinion that the producers, distributors or processors requiring collective bargaining are not representative of the producers, distributors or processors of that class in the market or markets in respect of which collective bargaining is required, it may at any time within one week of receipt of the notice in writing so advise the persons responsible for sending the notice and thereupon the notice shall cease to have effect.

Failure to observe notice.

(4) Where the persons required to bargain collectively do not, in writing, advise the collective bargaining representatives of the persons requiring collective bargaining of the names of their collective bargaining representatives within two weeks of the receipt of notice under subsection 2, the board may designate persons who shall act as their collective bargaining representatives.

Sufficiency of representation. (5) Before entering into collective bargaining, the collective bargaining representatives of one of the parties shall send a notice in writing to the board indicating those of the persons required to bargain collectively that are represented by collective bargaining representatives and the names of such representatives and where the board is of opinion that the persons represented by the collective bargaining representatives are not representative of the persons required to bargain collectively, the board may designate

such collective bargaining representatives or any other persons as the collective bargaining representatives thereof.

- (6) Collective bargaining representatives of the respec-Good faith. tive parties shall bargain collectively in good faith for the purpose of determining the price at which milk shall be purchased from producers.
- (7) Where the collective bargaining representatives of Failure to either party to collective bargaining are satisfied arbitration. that an agreement cannot be reached, they may by notice in writing to the collective bargaining representatives of the other party require all matters of dispute to be referred to a board of arbitration of three members to which the collective bargaining representatives of each of the parties shall appoint a member, and a third member, who shall be the chairman, shall be appointed by the two members so appointed.
- (8) Where either party fails to appoint a member of the Failure to board of arbitration within a reasonable time, or arbitrator. having appointed a person who is unable or unwilling to act, fails to appoint another member within a reasonable time, the board may, upon the request of the other party, appoint a member in lieu thereof.
- (9) Where the two members of the board of arbitration Failure to appointed by the collective bargaining representa-chairman. tives fail, within five days of the appointment of the last one appointed, to agree upon a third member, the board may, upon notice in writing thereof, appoint the third member.
- (10) Each of the parties to the arbitration shall assume Costs. its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally.
- (11) Every agreement entered into and every award made Price paid to producers. under this section shall be filed with the board and thereupon, or at such later date as may be named therein, the price determined therein shall be the price paid to producers for all milk purchased by distributors or processors of the class represented for the market or markets involved and shall be subject only to,—
 - (a) deduction of reasonable transportation charges;and

(b) variation in accordance with a milk purchase plan prescribed by the regulations,

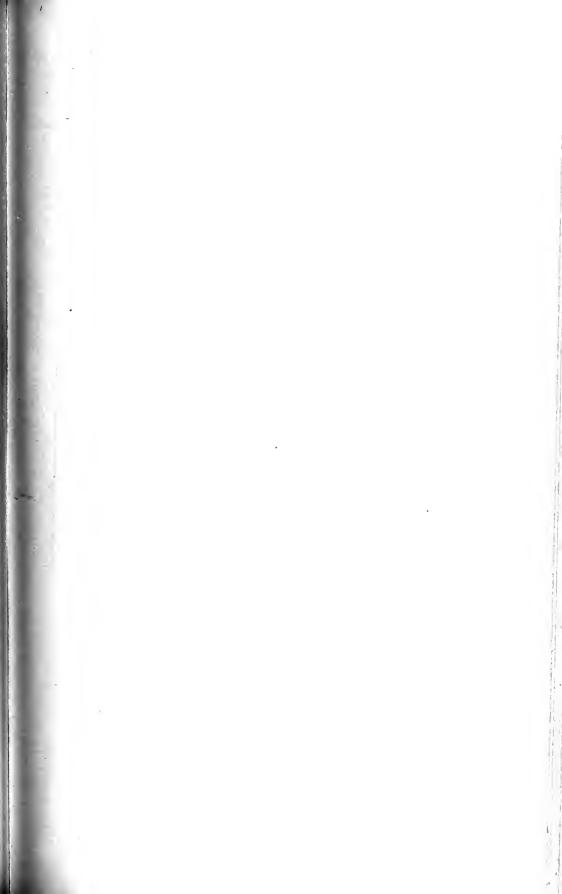
until altered by an agreement or award subsequently made in accordance with the provisions of this section.

Rey. Stat., c. 76, s. 15, subs. 1, cls. k, l, re-enacted.

- **4.** Clauses k and l of subsection 1 of section 15 of *The Milk Control Act* are repealed and the following substituted therefor:
 - (k) prescribe the minimum prices at which fluid milk may be purchased from producers;
 - (l) prescribe the maximum prices at which fluid milk or cream may be sold by retail;
 - (m) prescribe a milk purchase plan including the basis upon which the price of milk purchased from producers shall be determined having regard to the butter-fat content thereof;
 - (n) provide for the regulating and control of the delivery routes of distributors including the number of deliveries which shall be made in each week and the days upon which deliveries may be made;
 - (o) prescribe the types of containers used in the delivery of milk which may be used by distributors;
 - (p) prescribe the records to be kept by distributors, processors and transporters.

Commencement of Act. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 22nd day of October, 1947.

Short title. 6. This Act may be cited as The Milk Control Amendment Act, 1947.



An Act to amend The Milk Control Act.

1st Reading

October 22nd, 1947

2nd Reading

3rd Reading

Mr. Kennedy

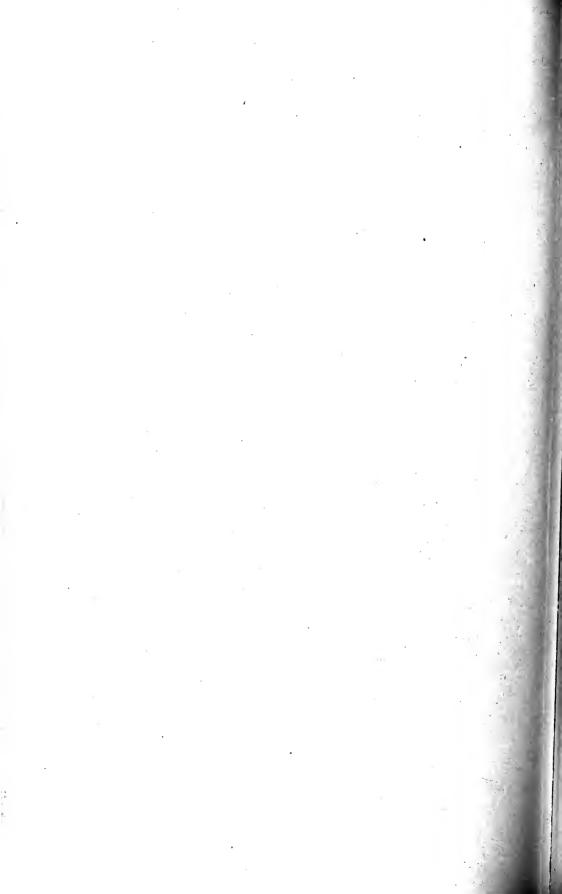
BILL

An Act to amend The Milk Control Act.

Mr. Kennedy

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 148

BILL

An Act to amend The Milk Control Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause c of subsection 1 of section 4 of *The Milk Control* Rev. Stat., subs. 1, cl. c, repealed.

2. The Milk Control Act is amended by adding thereto the Rev. Stat., following section:

amended.

- 4a.—(1) In each part of Ontario the current prices at Sale price which fluid milk and cream are currently sold by milk and retail on the 22nd day of October, 1947, shall, until such prices are altered by the regulations, be the maximum prices at which fluid milk and cream respectively, may be sold by retail.
- (2) In each part of Ontario the current prices at which Purchase fluid milk is purchased from producers, except by fluid milk. retail, on the 22nd day of October, 1947, shall, until such prices are altered under the provisions of this Act, be the minimum prices at which fluid milk shall be purchased from producers.
- **3.** Section 13 of *The Milk Control Act*, as amended by Rev. Stat., section 1 of *The Milk Control Amendment Act*, 1941, is re-enacted. repealed and the following substituted therefor:
 - 13.—(1) The producers, distributors or any class of Collective processors, other than creameries and cheese factories, of milk in any market or markets may require,—
 - (a) in the case of producers, the distributors or processors to whom they sell milk; or
 - (b) in the case of distributors or processors, the producers from whom they purchase milk,

to bargain collectively in order to determine the price that shall be paid to the producers supplying milk to distributors or such class of processors in such market or markets.

Notice.

- (2) Notice of a request to bargain collectively setting out,—
 - (a) the names of the persons or of any association joining in the notice;
 - (b) the names and addresses of the collective bargaining representatives; and
 - (c) the market or markets in respect of which collective bargaining is sought,

shall be given to the persons who are required to bargain collectively or to any association which is representative of such persons, and a copy of the notice shall be sent to the board.

Sufficiency of representation.

(3) Where the board is of opinion that the producers, distributors or processors requiring collective bargaining are not representative of the producers, distributors or processors of that class in the market or markets in respect of which collective bargaining is required, it may at any time within one week of receipt of the notice in writing so advise the persons responsible for sending the notice and thereupon the notice shall cease to have effect.

Failure to observe notice.

(4) Where the persons required to bargain collectively do not, in writing, advise the collective bargaining representatives of the persons requiring collective bargaining of the names of their collective bargaining representatives within two weeks of the receipt of notice under subsection 2, the board may designate persons who shall act as their collective bargaining representatives.

Sufficiency of representation. (5) Before entering into collective bargaining, the collective bargaining representatives of one of the parties shall send a notice in writing to the board indicating those of the persons required to bargain collectively that are represented by collective bargaining representatives and the names of such representatives and where the board is of opinion that the persons represented by the collective bargaining representatives are not representative of the persons required to bargain collectively, the board may designate

such collective bargaining representatives or any other persons as the collective bargaining representatives thereof.

- (6) Collective bargaining representatives of the respec-Good faith. tive parties shall bargain collectively in good faith for the purpose of determining the price at which milk shall be purchased from producers.
- (7) Where the collective bargaining representatives of Failure to either party to collective bargaining are satisfied arbitration. that an agreement cannot be reached, they may by notice in writing to the collective bargaining representatives of the other party require all matters of dispute to be referred to a board of arbitration of three members to which the collective bargaining representatives of each of the parties shall appoint a member, and a third member, who shall be the chairman, shall be appointed by the two members so appointed.
- (8) Where either party fails to appoint a member of the Failure to board of arbitration within a reasonable time, or arbitrator. having appointed a person who is unable or unwilling to act, fails to appoint another member within a reasonable time, the board may, upon the request of the other party, appoint a member in lieu thereof.
- (9) Where the two members of the board of arbitration Failure to appointed by the collective bargaining representa-chairman. tives fail, within five days of the appointment of the last one appointed, to agree upon a third member, the board may, upon notice in writing thereof, appoint the third member.
- (10) Each of the parties to the arbitration shall assume Costs. its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally.
- (11) Every agreement entered into and every award made Price paid under this section shall be filed with the board and thereupon, or at such later date as may be named therein, the price determined therein shall be the price paid to producers for all milk purchased by distributors or processors of the class represented for the market or markets involved and shall be subject only to,—
 - (a) deduction of reasonable transportation charges; and

(b) variation in accordance with a milk purchase plan prescribed by the regulations,

until altered by an agreement or award subsequently made in accordance with the provisions of this section.

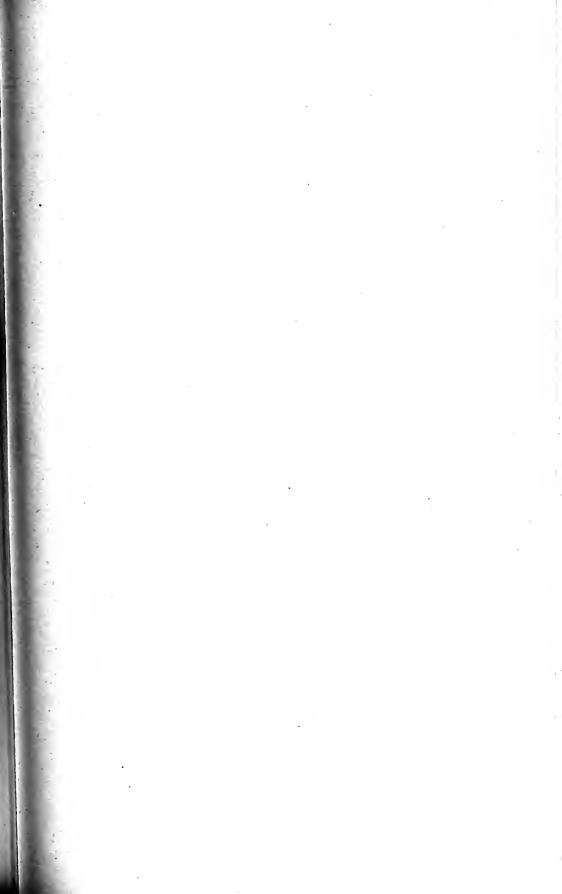
Rev. Stat., c. 76, s. 15, subs. 1, cls. k, l, re-enacted.

- **4.** Clauses k and l of subsection 1 of section 15 of *The Milk Control Act* are repealed and the following substituted therefor:
 - (k) prescribe the minimum prices at which fluid milk may be purchased from producers and the dates of payment for milk purchased from producers;
 - (l) prescribe the maximum prices at which fluid milk or cream may be sold by retail;
 - (m) prescribe a milk purchase plan including the basis upon which the price of milk purchased from producers shall be determined having regard to the butter-fat content thereof;
 - (n) prescribe the types of containers used in the delivery of milk which may be used by distributors;
 - (o) prescribe the records to be kept by distributors, processors and transporters.

Commencement of Act. 5. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 22nd day of October, 1947.

Short title.

6. This Act may be cited as The Milk Control Amendment Act, 1947.



BILL
An Act to amend The Milk Control Act.

1st Reading October 22nd, 1947

2nd Reading

October 27th, 1947

October 30th, 1947

3rd Reading

Mr. Kennedy

BILL

An Act to amend The City of Windsor (Amalgamation) Act, 1935.

Mr. Drew

EXPLANATORY NOTES

The new section 10 of *The City of Windsor* (Amalgamation) Act, 1935, increases the board of education from seven to nine members. The two added members, one of whom must be engaged as an employee in an industry in the Windsor area and the other of whom must be engaged in the management of an industry in the area, will act only in matters affecting the vocational school.

The board, thus composed, will act in place of the usual advisory vocational committee.

In all other respects the board will continue with the same composition and functions as it has now.

No. 149 1947

BILL

An Act to amend The City of Windsor (Amalgamation) Act, 1935.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 10 of The City of Windsor (Amalgamation) Act, c. 74, s. 10, 1935, is repealed and the following substituted therefor:
 - 10.—(1) The board of education for the new city shall Board of education, composition. be composed of nine members as follows:
 - (a) five shall be elected, one for each of the wards of the new city, by the vote of the electors who are public school supporters;
 - (b) two shall be appointed by the separate school board for the new city; and
 - (c) two shall be appointed by the members of the board mentioned in clauses a and b, to be known as the vocational members, and they shall be respectively an employee and an employer within the meaning of section 7 of Rev. Stat., The Vocational Education Act.

- (2) The elected members of the board shall hold office office. for a term of two years and shall be elected biennially.
- (3) The members appointed by the separate school board Idem. shall be appointed annually by the said board at its first meeting in every year.
- (4) The vocational members shall be appointed annually Idem. at the first meeting of the board of education in every year and shall hold office during the current year.
- (5) The vocational members shall have the same powers Powers re as the other members of the board with respect to schools.

the W. D. Lowe Vocational School, formerly known as the Windsor-Walkerville Vocational School, and any other vocational school or vocational department hereafter established by the board, but in all other respects such members shall have no powers whatsoever.

Idem.

(6) The vocational members shall be members of any committee appointed by the board that deals with matters affecting the W. D. Lowe Vocational School or any other vocational school or any vocational department hereafter established by the board.

No advisory committee.

(7) The board of education shall not appoint an advisory vocational committee as required by section 6 of *The Vocational Education Act*.

Application of Rev. Stat., c. 369, Part I.

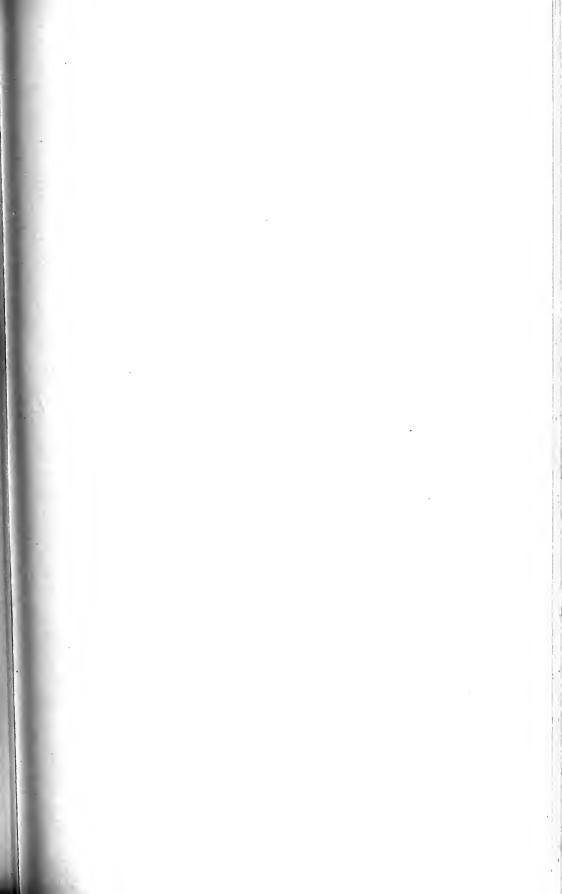
(8) Except where inconsistent with this section, Part I of *The Vocational Education Act* shall apply to the W. D. Lowe Vocational School and any other vocational school and any vocational department hereafter established by the board.

Commencement of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall apply to the Board of Education for the City of Windsor for the year 1948 and thereafter, provided that the present elected members of the Board shall hold office until the 1st day of January, 1949.

Short title.

3. This Act may be cited as The City of Windsor (Amalgamation) Amendment Act, 1947.







An Act to amend The City of Windsor (Amalgamation) Act, 1935.

1st Reading

October 22nd, 1947

2nd Reading

3rd Reading

Mr. Drew

BILL

An Act to amend The City of Windsor (Amalgamation) Act, 1935.

Mr. Drew



BILL

An Act to amend The City of Windsor (Amalgamation) Act. 1935.

TIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of The City of Windsor (Amalgamation) Act, c. 74, s. 10, 1935, is repealed and the following substituted therefor:

- 10.—(1) The board of education for the new city shall Board of education. be composed of nine members as follows:
 - (a) five shall be elected, one for each of the wards of the new city, by the vote of the electors who are public school supporters;
 - (b) two shall be appointed by the separate school board for the new city; and
 - (c) two shall be appointed by the members of the board mentioned in clauses a and b, to be known as the vocational members, and they shall be respectively an employer and an employer within the meaning of section 7 of Rev. Stat., The Vocational Education Act.

- (2) The elected members of the board shall hold office office. for a term of two years and shall be elected biennially.
- (3) The members appointed by the separate school board Idem. shall be appointed annually by the said board at its first meeting in every year.
- (4) The vocational members shall be appointed annually Idem. at the first meeting of the board of education in every year and shall hold office during the current year.
- (5) The vocational members shall have the same powers Powers re as the other members of the board with respect to schools.

the W. D. Lowe Vocational School, formerly known as the Windsor-Walkerville Vocational School, and any other vocational school or vocational department hereafter established by the board, but in all other respects such members shall have no powers whatsoever.

Idem.

(6) The vocational members shall be members of any committee appointed by the board that deals with matters affecting the W. D. Lowe Vocational School or any other vocational school or any vocational department hereafter established by the board.

No advisory committee.

(7) The board of education shall not appoint an advisory vocational committee as required by section 6 of *The Vocational Education Act*.

Application of Rev. Stat., c. 369, Part I.

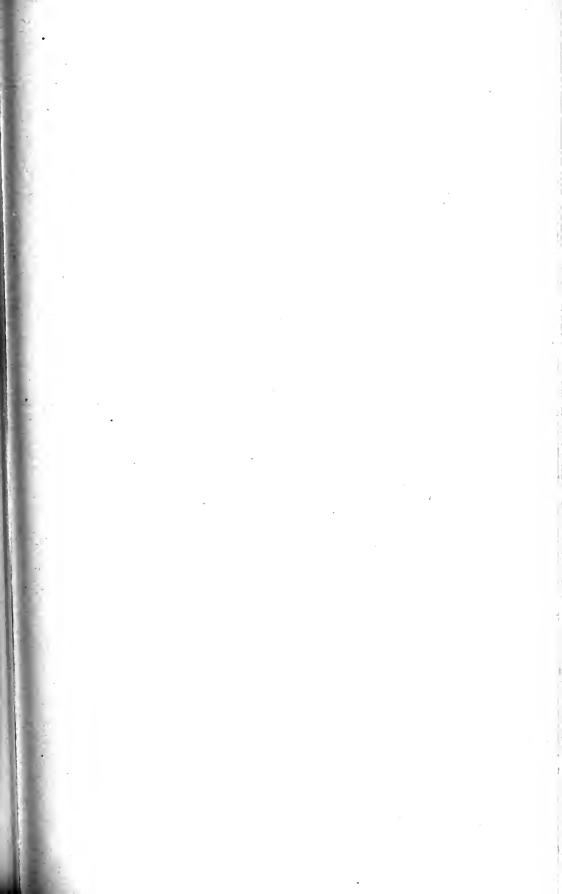
(8) Except where inconsistent with this section, Part I of *The Vocational Education Act* shall apply to the W. D. Lowe Vocational School and any other vocational school and any vocational department hereafter established by the board.

Commencement of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall apply to the Board of Education for the City of Windsor for the year 1948 and thereafter, provided that the present elected members of the Board shall hold office until the 1st day of January, 1949.

Short title.

3. This Act may be cited as The City of Windsor (Amalgamation) Amendment Act, 1947.







An Act to amend The City of Windsor (Amalgamation) Act, 1935.

1st Reading October 22nd, 1947

2nd Reading

October 27th, 1947

3rd Reading
October 30th, 1947

Mr. Drew

BILL

An Act respecting Unclaimed Articles of Clothing and Household Goods.

MR. BLACKWELL

TORONTO

PRINTED AND PUBLISHED BY BAPTIST', JOHNSTON PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This Bill provides a practical method for the disposition of articles of clothing and household goods which have been deposited with any person for cleaning, pressing, glazing, washing, repairing or storage. The provisions of the Bill do not apply unless agreed or reasonable charges are unpaid and the article has been in possession of the person with whom it was deposited through no fault of his own for a period of not less than six months. Where the article was deposited for storage the period is two years.

To take advantage of the procedure provided by the Act a notice is delivered to the owner or person who deposited the article or left with an adult person at the appropriate address. After thirty days the article may be given to a charitable organization or to any organization in order that it may be used for charitable purposes or, if the value of the article is not over \$100, it may be sold. In the case of an article having an apparent value in excess of \$100 any sale thereof would have to be proceeded with under *The Warehousemen's Lien Act*.

Where the whereabouts of the owner and of the person depositing an article cannot be ascertained and after all reasonable inquiries it is found that notice cannot be given, disposal as above described may be effected without complying with the notice requirements.

A record of all articles disposed of by any person under the proposed Act must be kept by such person. *Prima facie* evidence of compliance with the Act may be established by affidavit.

A special provision contained in section 8 permits articles having an apparent value of not more than \$100 and which on the 1st day of May, 1947, had been unclaimed and the charges unpaid for six years, to be disposed of for charitable purposes without the giving of any notice.

BILL

An Act respecting Unclaimed Articles of Clothing and Household Goods.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act shall apply in the case of,—

Application of Act.

- (a) any article of clothing or household goods,
 - (i) which is deposited with a person for cleaning, pressing, glazing, washing or repairing, and
 - (ii) which, through no fault of the person with whom it is deposited, remains in his possession for a period of not less than six months,

in respect of which the agreed or reasonable charges for the services mentioned in subclause i are unpaid; and

- (b) any article of clothing or household goods,
 - (i) which is deposited with a person for storage whether or not it is also deposited for cleaning, pressing, glazing, washing or repairing, and
 - (ii) which, through no fault of the person with whom it is deposited, remains in his possession for a period of not less than two years,

in respect of which the agreed or reasonable charges for storage are unpaid for any period of not less than twelve months.

2.—(1) Upon the expiration of the period mentioned in Notice to subclause ii of clause a or subclause ii of clause b of section 1, $\frac{\text{owner or}}{\text{person}}$ as the case may be, the person with whom an article is de- $\frac{\text{depositing}}{\text{article}}$ posited may cause a notice to be served by personal service upon,—

- (a) the owner of the article;
- (b) the person who deposited the article; or
- (c) an adult person,
 - (i) at the address where the owner or person who deposited the article resides, or
 - (ii) the address furnished by the owner or person who deposited the article at the time the article was deposited,

stating,-

- (d) the amount of the agreed or reasonable charges in respect of the article; and
- (e) that if such charges are not paid within thirty days of the date of the service of the notice, the article will be disposed of.

Notice may cover more than one article.

(2) Any notice under this section may be in respect of more than one article belonging to or deposited by the same person.

Where notice cannot be given.

3. Where the whereabouts of the owner of and the person depositing an article cannot be ascertained and after all reasonable inquiries it is found that section 2 cannot be complied with, the person with whom an article is deposited may, without effecting service of notice as required by section 2, dispose thereof in the manner prescribed by section 4.

Disposal of articles.

- 4.—(1) Upon the expiration of the thirty-day period mentioned in subsection 1 of section 2, the person with whom the article is deposited may dispose of it,—
 - (a) by giving it to a charitable organization, or by giving it to any organization in order that it may be used for charitable purposes; or
 - (b) in the case of an article,
 - (i) which has been declared by the owner or person depositing it to have a value of not more than \$100, or
 - (ii) in the absence of such a declaration, having a reasonable market value of not more than \$100,

by selling it.

- (2) Every person who disposes of articles under this section Record of shall maintain a record of the articles disposed of and the disposed of. persons or organizations to whom they are disposed.
- 5. Where an article has been disposed of under this Act, Proof of prima facie evidence of compliance with this Act or of the existence of any fact or the doing of any act may be given in any court by the affidavit of a person having actual knowledge thereof.
- **6.** Where an article has been disposed of under this Act Relinquish the person who disposed of it shall thereby relinquish all charges. claims against the owner or person depositing it for unpaid charges for services upon or storage of the article.
- 7. This Act shall not affect the right of any person to Exceptions. proceed in the manner prescribed by *The Warehousemen's* Rev. Stat., c. 186.
 - 8. Where any article of clothing or household goods,—

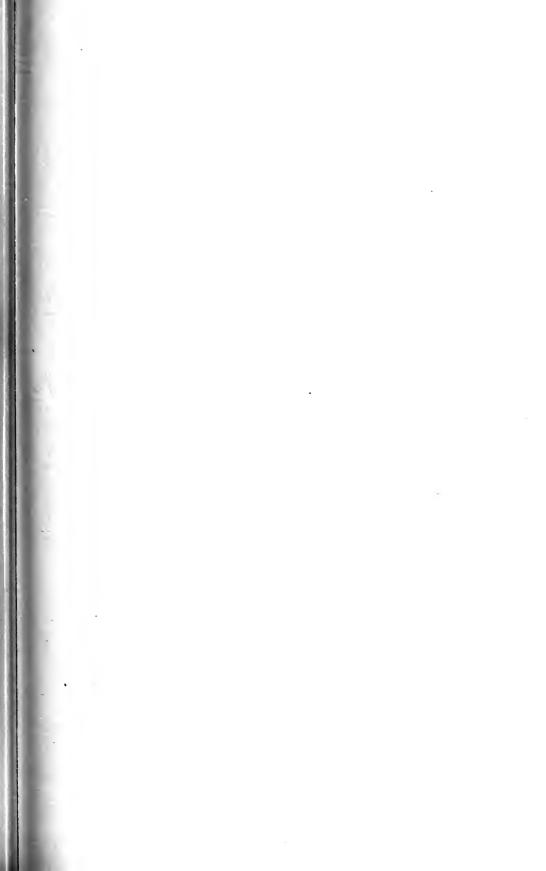
Articles under \$100 charges six years

- (a) which has been declared by the owner or person in arrears. depositing it to have a value of not more than \$100; or
- (b) in the absence of such a declaration having a reasonable market value of not more than \$100.

was deposited with a person for cleaning, pressing, glazing, washing, repairing or storage, or any combination thereof, and on the 1st day of May, 1947, any agreed or reasonable charges for services or storage, or both, had remained unpaid for a period of not less than six years, the person with whom the article is deposited may, without notice to any person, give such article to a charitable organization or to any other organization in order that it may be used for charitable purposes.

- **9.** This Act shall come into force on the day upon which it Commence-receives the Royal Assent and shall be deemed to have taken ment of Act. effect on the 1st day of May, 1947.
- 10. This Act may be cited as The Unclaimed Articles Short title. Act, 1947.





BILL

An Act respecting Unclaimed Articles of Clothing and Household Goods.

1st Reading

October 22nd, 1947 2nd Reading

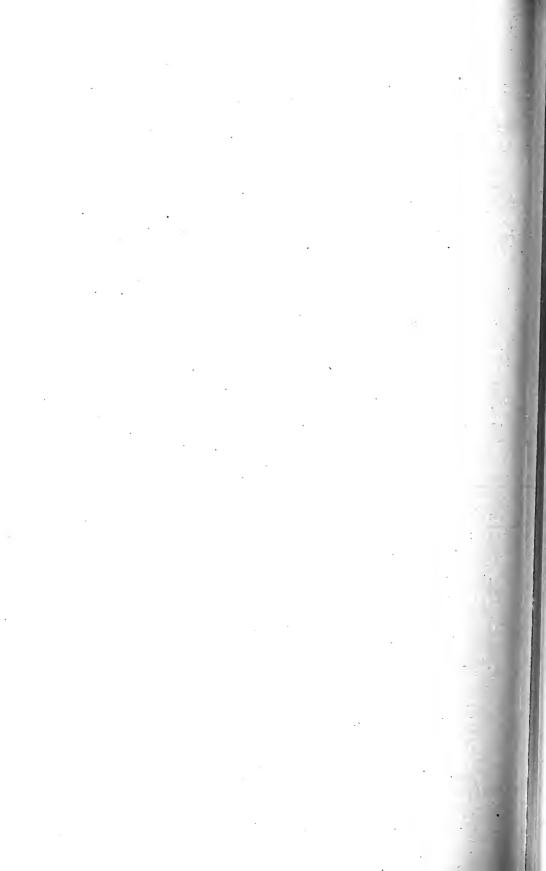
3rd Reading

Mr. Blackwell

BILL

An Act respecting Unclaimed Articles of Clothing and Household Goods.

Mr. Blackwell



No. 150 1947

BILL

An Act respecting Unclaimed Articles of Clothing and Household Goods.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act shall apply in the case of,—

Application of Act.

- (a) any article of clothing or household goods,
 - (i) which is deposited with a person for cleaning, pressing, glazing, washing or repairing, and
 - (ii) which, through no fault of the person with whom it is deposited, remains in his possession for a period of not less than six months,

in respect of which the agreed or reasonable charges for the services mentioned in subclause i are unpaid; and

- (b) any article of clothing or household goods,
 - (i) which is deposited with a person for storage whether or not it is also deposited for cleaning, pressing, glazing, washing or repairing, and
 - (ii) which, through no fault of the person with whom it is deposited, remains in his possession for a period of not less than two years,

in respect of which the agreed or reasonable charges for storage are unpaid for any period of not less than twelve months.

2.—(1) Upon the expiration of the period mentioned in Notice to subclause ii of clause a or subclause ii of clause b of section 1, person as the case may be, the person with whom an article is de-depositing posited may cause a notice to be served by personal service upon,—

- (a) the owner of the article;
- (b) the person who deposited the article; or
- (c) an adult person,
 - (i) at the address where the owner or person who deposited the article resides, or
 - (ii) the address furnished by the owner or person who deposited the article at the time the article was deposited,

stating,-

- (d) the amount of the agreed or reasonable charges in respect of the article; and
- (e) that if such charges are not paid within thirty days of the date of the service of the notice, the article will be disposed of.

Notice may cover more than one article.

(2) Any notice under this section may be in respect of more than one article belonging to or deposited by the same person.

Where notice cannot be given.

3. Where the whereabouts of the owner of and the person depositing an article cannot be ascertained and after all reasonable inquiries it is found that section 2 cannot be complied with, the person with whom an article is deposited may, without effecting service of notice as required by section 2, dispose thereof in the manner prescribed by section 4.

Disposal of articles.

- 4.—(1) Upon the expiration of the thirty-day period mentioned in subsection 1 of section 2, the person with whom the article is deposited may dispose of it,—
 - (a) by giving it to a charitable organization, or by giving it to any organization in order that it may be used for charitable purposes; or
 - (b) in the case of an article,
 - (i) which has been declared by the owner or person depositing it to have a value of not more than \$100, or
 - (ii) in the absence of such a declaration, having a reasonable market value of not more than \$100.

by selling it.

- (2) Every person who disposes of articles under this section Record of shall maintain a record of the articles disposed of and the disposed of persons or organizations to whom they are disposed.
- **5**. Where an article has been disposed of under this Act, Proof of *prima facie* evidence of compliance with this Act or of the existence of any fact or the doing of any act may be given in any court by the affidavit of a person having actual knowledge thereof.
- **6.** Where an article has been disposed of under this Act Relinquish the person who disposed of it shall thereby relinquish all charges. claims against the owner or person depositing it for unpaid charges for services upon or storage of the article.
- 7. This Act shall not affect the right of any person to Exceptions. proceed in the manner prescribed by *The Warehousemen's* Rev. Stat., c. 186.
 - **8**. Where any article of clothing or household goods,—

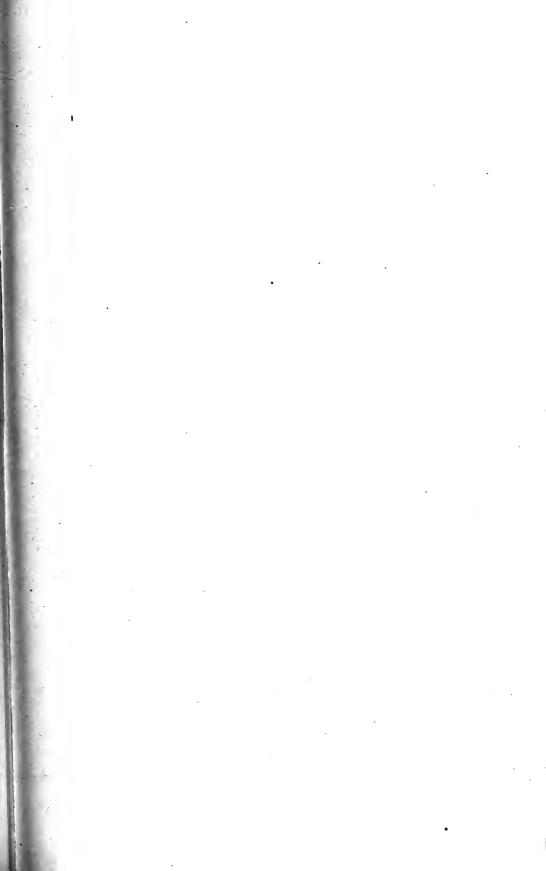
Articles under \$100 charges

- (a) which has been declared by the owner or person in arrears. depositing it to have a value of not more than \$100; or
- (b) in the absence of such a declaration having a reasonable market value of not more than \$100.

was deposited with a person for cleaning, pressing, glazing, washing, repairing or storage, or any combination thereof, and on the 1st day of May, 1947, any agreed or reasonable charges for services or storage, or both, had remained unpaid for a period of not less than six years, the person with whom the article is deposited may, without notice to any person, give such article to a charitable organization or to any other organization in order that it may be used for charitable purposes.

- **9.** This Act shall come into force on the day upon which it Commence-receives the Royal Assent and shall be deemed to have taken ment of Act. effect on the 1st day of May, 1947.
- 10. This Act may be cited as The Unclaimed Articles short title. Act, 1947.





BILL

An Act respecting Unclaimed Articles of Clothing and Household Goods.

1st Reading October 22nd, 1947

2nd Reading October 24th, 1947

3rd Reading October 30th, 1947

Mr. Blackwell

7

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Liquor Licence Act, 1946.

MR. BLACKWELL

EXPLANATORY NOTES

GENERAL. A number of unrelated amendments are included in the Bill. The situation relating to The Liquor Licence Act, 1946, in Canada Temperance Act areas and the situation resulting where a municipality ceases to be under the Canada Temperance Act are dealt with (section 3). A change in requirements as to time will render the provisions governing applications for licences more workable in rural areas (section 2). More specific provisions than at present prescribe voting machinery where the municipality concerned is less than 50,000 (section 1). Machinery available for recount purposes will be that prescribed by The Municipal Act (section 4) and two clauses of the section authorizing the making of regulations, including the clause governing the authority to regulate hours of sale, are enlarged (section 5).

Section 1. The words added to clauses a and b of subsection 1 of section 23 and to subsection 1a of section 23 remove any doubt as to the voting machinery applicable where a vote is to be taken for the purpose of any of those provisions.

No. 151 1947

BILL

An Act to amend The Liquor Licence Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses a and b of subsection 1 of section 23 of ¹⁹⁴⁶_{c. 47, s. 23}, The Liquor Licence Act, 1946, are amended by adding ^{subs. 1}_{cls. a, b} at the end thereof the words "and the provisions of section 69 ^{amended}. shall apply mutatis mutandis to such vote whether or not a by-law mentioned in section 68 is in force therein", so that the said clauses shall now read as follows:

- (a) hotels or inns having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,
 - (i) dining lounge licence,
 - (ii) dining room licence,
 - (iii) lounge licence,
 - (iv) public house licence,

provided that the Board shall not issue a dining lounge or lounge licence to an hotel situated in a municipality having a population of less than 50,000 according to the last revised assessment roll, until an affirmative vote has been taken on questions g or h, as the case may be, set out in subsection 1 of section 69 and the provisions of section 69 shall apply mutatis mutandis to such vote whether or not a bylaw mentioned in section 68 is in force therein.

(b) taverns having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each license is issued,

- (i) dining lounge licence,
- (ii) dining room licence,
- (iii) lounge licence,
- (iv) public house licence,

provided that the Board shall not issue a dining lounge or lounge licence to a tavern situated in a municipality having a population of less than 50,000 according to the last revised assessment roll, until an affirmative vote has been taken on questions g or h, as the case may be, of subsection 1 of section 69 and the provisions of section 69 shall apply mutatis mutandis to such vote whether or not a by-law mentioned in section 68 is in force therein.

1946, c. 47, s. 23, subs. 1a (1947, c. . . , s. 2, subs. 2), amended.

(2) Subsection 1a of the said section 23, as enacted by subsection 2 of section 2 of The Liquor Licence Amendment Act, 1947, is amended by adding at the end thereof the words "and the provisions of section 69 shall apply mutatis mutandis to such vote whether or not a by-law mentioned in section 68 is in force therein", so that the said subsection shall now read as follows:

Dining room or public house licence.

1944. c. 33.

- (1a) The Board shall not issue a dining room licence or a public house licence in a municipality having a population of less than 50,000 according to the last revised assessment roll, except in the case of,—
 - (a) an establishment in respect of which an authority under *The Liquor Authority Control Act*, 1944, including therein a privilege corresponding to the licence issued under this Act, was held at the date of the coming into force of this Act: or
 - (b) an establishment classified as an hotel, club, military mess, railway car or steamship,

until an affirmative vote has been taken on question d, e or f, as the case may be, set out in subsection 1 of section 69 and the provisions of section 69 shall apply *mutatis mutandis* to such vote whether or not a by-law mentioned in section 68 is in force therein.

1946, c. 47, s. 36, amended. 2. Section 36 of *The Liquor Licence Act, 1946*, is amended by striking out the words "one week" in the eleventh line and inserting in lieu thereof the words "five clear days", and by striking out the words "two weeks" in the twelfth and

Section 2. The two publications of a notice of application for a licence must be one week apart and the second of such publications must be not less than two weeks before the meeting of the Board at which the application is to be heard. To provide a more workable arrangement in rural areas where publication is in weekly newspapers the amendment provides that the publication shall be at least five clear days apart and the second publication shall be at least ten clear days before the meeting of the Board at which the application is to be heard.

Section 3. To remove doubt subsection 1 of the re-enacted section 67 provides that in *Canada Temperance Act* areas the provisions of *The Liquor Licence Act*, 1946, shall not apply, except as to the issue of military mess permits.

Subsection 2 of the re-enacted section 67 which relates to the situation where as the result of a vote taken under the Canada Temperance Act in any area in which the Canada Temperance Act is in force the Canada Temperance Act ceases to be in force. It provides that,—

- (a) in a municipality in a Canada Temperance Act area where a local option by-law was in force in such municipality at the time when the Canada Temperance Act came into force, the Liquor Control Board cannot establish stores for the sale of liquor or beer or authorize stores for the sale of Ontario wine or the Liquor Licence Board cannot issue any licence until a favourable vote on the appropriate questions has been taken; and
- (b) in a municipality in a Canada Temperance Act area where no local option by-law was in force when the Canada Temperance Act came into force, the Liquor Control Board may without a vote establish stores for the sale of liquor and beer and authorize stores for the sale of Ontario wine, but the Liquor Licence Board cannot issue any licence until a favourable vote on the appropriate question has been taken.

thirteenth lines and inserting in lieu thereof the words "ten clear days", so that the said section shall now read as follows:

- 36. Notice of the application for a licence in the form Publication. prescribed by the regulations shall be published twice,—
 - (a) in a newspaper published in the municipality or community in which the premises for which the licence is sought are situated and having a general circulation in such municipality or community; or
 - (b) where no newspaper is published in the municipality or community in which such premises are situated in a newspaper having a general circulation in such municipality or community,

and such publications shall be at least five clear days apart and the second of such publications shall be not less than ten clear days before the meeting of the Board at which the application is to be heard.

- 3. Section 67 of The Liquor Licence Act, 1946, as amended 1946, by section 6 of The Liquor Licence Amendment Act, 1947, is re-enacted. repealed and the following substituted therefor:
 - 67.—(1) None of the provisions of this Act, except Areas where section 22a, shall apply in any area in which the force.

 Canada Temperance Act is in force.
 - (2) Upon the Canada Temperance Act ceasing to be in Application of Act upon force in any area this Act shall apply in such area, C.T.A. ceasing to provided that,
 - (a) in an area where a by-law prohibiting the sale of liquor by retail passed under any Act of this Legislature was in force when the Canada R.S.C., Temperance Act or The Ontario Temperance 1916, c. 50. Act came into force, no government stores for the sale of liquor or for the sale of beer only shall be established, no Ontario wine stores shall be authorized and no licences shall be issued until a vote has been taken in the manner provided in section 69; and
 - (b) in an area where no by-law prohibiting the sale of liquor by retail passed under any Act

of this Legislature was in force when the Canada Temperance Act or The Ontario Temperance Act came into force, no licences shall be issued in respect of an establishment classified as an hotel, tavern, restaurant or public house until a vote has been taken in the manner provided in section 69.

Machinery for vote.

(3) In every area to which subsection 2 applies the provisions of section 69 shall apply mutatis mutandis to a vote referred to in subsection 2 which is taken in any municipality therein, notwithstanding that a bylaw mentioned in section 68 is not in force in such municipality.

1946, c. 47, s. 80, amended.

4. Section 80 of The Liquor Licence Act, 1946, as amended by section 7 of The Liquor Licence Amendment Act, 1947, is further amended by adding thereto the following subsection:

Recounts.

(2) Notwithstanding anything contained in this Act or any other Act where a recount of a vote on any question or questions submitted under this Act is requested, the provisions of sections 142 and 143 of The Municipal Act shall mutatis mutandis apply.

- 1946, c. 47, s. 81, cls. k and n of section 81 of The Liquor Licence A cls. k and n, 1946, are repealed and the following substituted therefor: **5**. Clauses k and n of section 81 of The Liquor Licence Act,
 - (k) governing the issue and cancellation of banquet, entertainment or military mess permits and prescribing the fees payable in respect of the issue of such permits;

(n) prescribing the periods of the year and the days and hours when liquor may be sold, served and consumed and providing for the alteration thereof by the Board in respect to individual holders of a licence or in any municipality or prescribed area.

Commence-**6**. This Act shall come into force on the day upon which it receives the Royal Assent.

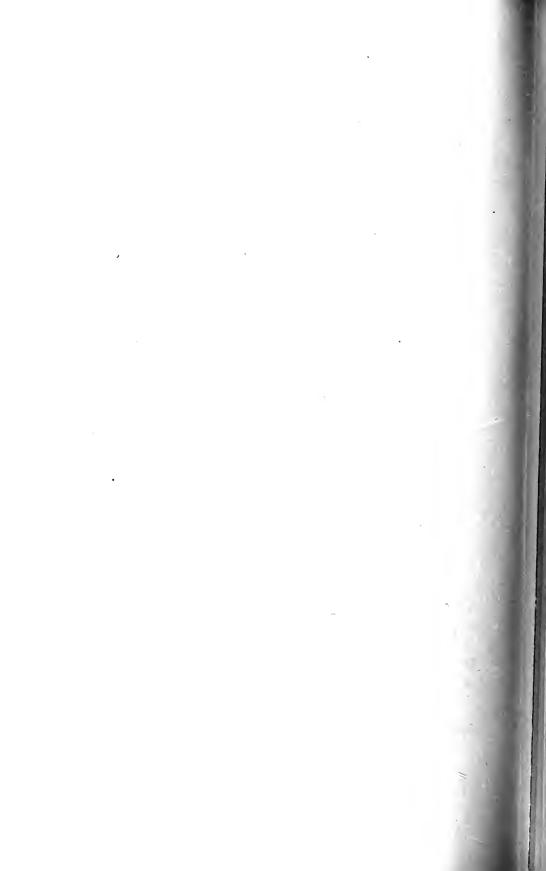
Short title.

7. This Act may be cited as The Liquor Licence Amendment Act, 1947 (No. 2).

Section 4. Section 80 of the Act now makes the machinery provided for in Part IV of *The Municipal Act* applicable where the validity of any local option vote is questioned. The new subsection makes sections 142 and 143 of *The Municipal Act*, dealing with recounts, applicable to local option votes.

Section 5. The re-enactment of clause k gives the Board power to prescribe the fees payable in respect of banquet, entertainment and military mess permits and to provide for the cancellation of the same.

The re-enactment of clause n gives power to the Board to regulate hours of sale in various areas of the Province as local conditions may demand.





BILL

An Act to amend The Liquor Licence Act, 1946.

1st Reading

October 24th, 1947

2nd Reading

3rd Reading

Mr. Blackwell

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Liquor Licence Act, 1946.

MR. BLACKWELL

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 151 1947

BILL

An Act to amend The Liquor Licence Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clauses a and b of subsection 1 of section 23 of ¹⁹⁴⁶_{c. 47, s. 23}, The Liquor Licence Act, 1946, are amended by adding ^{subs. 1}_{cls. a, b}, at the end thereof the words "and the provisions of section 69 amended. shall apply mutatis mutandis to such vote whether or not a by-law mentioned in section 68 is in force therein", so that the said clauses shall now read as follows:
 - (a) hotels or inns having special accommodation, facilities
 and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,
 - (i) dining lounge licence,
 - (ii) dining room licence,
 - (iii) lounge licence,
 - (iv) public house licence,

provided that the Board shall not issue a dining lounge or lounge licence to an hotel situated in a municipality having a population of less than 50,000 according to the last revised assessment roll, until an affirmative vote has been taken on questions g or h, as the case may be, set out in subsection 1 of section 69 and the provisions of section 69 shall apply mutatis mutandis to such vote whether or not a bylaw mentioned in section 68 is in force therein.

(b) taverns having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each license is issued,

- (i) dining lounge licence,
- (ii) dining room licence,
- (iii) lounge licence,
- (iv) public house licence,

provided that the Board shall not issue a dining lounge or lounge licence to a tavern situated in a municipality having a population of less than 50,000 according to the last revised assessment roll, until an affirmative vote has been taken on questions g or h, as the case may be, of subsection 1 of section 69 and the provisions of section 69 shall apply mutatis mutandis to such vote whether or not a by-law mentioned in section 68 is in force therein.

1946, c. 47, s. 23, subs. 1*a* (1947, c. 58, s. 2, subs. 2), amended. (2) Subsection 1a of the said section 23, as enacted by subsection 2 of section 2 of The Liquor Licence Amendment Act, 1947, is amended by adding at the end thereof the words "and the provisions of section 69 shall apply mutatis mutandis to such vote whether or not a by-law mentioned in section 68 is in force therein", so that the said subsection shall now read as follows:

Dining room or public house licence.

(1a) The Board shall not issue a dining room licence or a public house licence in a municipality having a population of less than 50,000 according to the last revised assessment roll, except in the case of,—

1944, c. 33.

- (a) an establishment in respect of which an authority under The Liquor Authority Control Act, 1944, including therein a privilege corresponding to the licence issued under this Act, was held at the date of the coming into force of this Act; or
- (b) an establishment classified as an hotel, club, military mess, railway car or steamship,

until an affirmative vote has been taken on question d, e or f, as the case may be, set out in subsection 1 of section 69 and the provisions of section 69 shall apply *mutatis mutandis* to such vote whether or not a by-law mentioned in section 68 is in force therein.

1946, c. 47, s. 36, amended. 2. Section 36 of *The Liquor Licence Act, 1946*, is amended by striking out the words "one week" in the eleventh line and inserting in lieu thereof the words "five clear days", and by striking out the words "two weeks" in the twelfth and

thirteenth lines and inserting in lieu thereof the words "ten clear days", so that the said section shall now read as follows:

- 36. Notice of the application for a licence in the form Publication. prescribed by the regulations shall be published twice,—
 - (a) in a newspaper published in the municipality or community in which the premises for which the licence is sought are situated and having a general circulation in such municipality or community; or
 - (b) where no newspaper is published in the municipality or community in which such premises are situated in a newspaper having a general circulation in such municipality or community,

and such publications shall be at least five clear days apart and the second of such publications shall be not less than ten clear days before the meeting of the Board at which the application is to be heard.

- **3.** Section 67 of *The Liquor Licence Act*, 1946, as amended ¹⁹⁴⁶. by section 6 of *The Liquor Licence Amendment Act*, 1947, is re-enacted. repealed and the following substituted therefor:
 - 67.—(1) None of the provisions of this Act, except Areas where section 22a, shall apply in any area in which the force.

 Canada Temperance Act is in force.
 - (2) Upon the Canada Temperance Act ceasing to be in Application force in any area this Act shall apply in such area, C.T.A. ceasing to provided that,
 - (a) in an area where a by-law prohibiting the sale of liquor by retail passed under any Act of this Legislature was in force when the Canada R.S.C.. Temperance Act or The Ontario Temperance 1916, c. 50. Act came into force, no government stores for the sale of liquor or for the sale of beer only shall be established, no Ontario wine stores shall be authorized and no licences shall be issued until a vote has been taken in the manner provided in section 69; and
 - (b) in an area where no by-law prohibiting the sale of liquor by retail passed under any Act

of this Legislature was in force when the Canada Temperance Act or The Ontario Temperance Act came into force, no licences shall be issued in respect of an establishment classified as an hotel, tavern, restaurant or public house until a vote has been taken in the manner provided in section 69.

Machinery for vote.

(3) In every area to which subsection 2 applies the provisions of section 69 shall apply *mutatis mutandis* to a vote referred to in subsection 2 which is taken in any municipality therein, notwithstanding that a bylaw mentioned in section 68 is not in force in such municipality.

1946, c. 47, s. 80, amended. 4. Section 80 of *The Liquor Licence Act*, 1946, as amended by section 7 of *The Liquor Licence Amendment Act*, 1947, is further amended by adding thereto the following subsection:

Recounts.

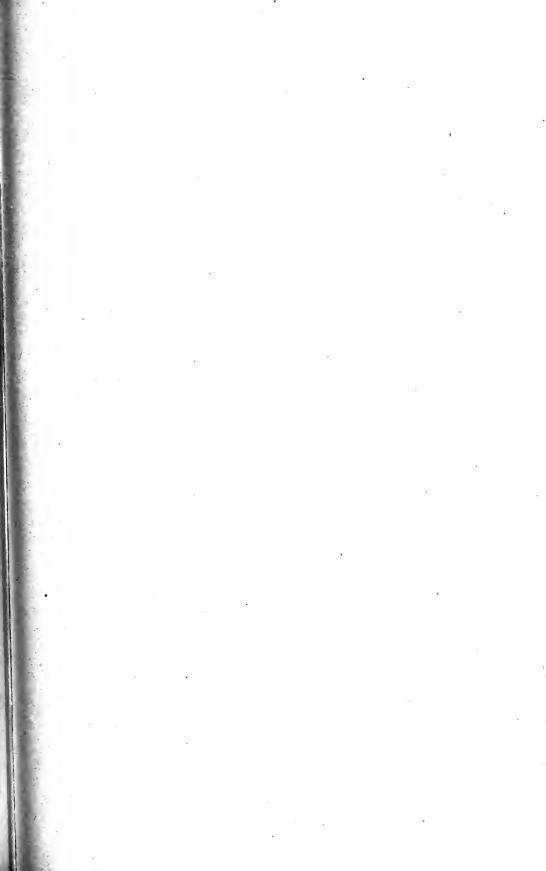
(2) Notwithstanding anything contained in this Act or any other Act where a recount of a vote on any question or questions submitted under this Act is requested, the provisions of sections 142 and 143 of The Municipal Act shall mutatis mutandis apply.

1946. 5. Clauses k and n of section 81 of The Liquor Licence Act, ols. k and n, 1946, are repealed and the following substituted therefor:

- (k) governing the issue and cancellation of banquet, entertainment or military mess permits and prescribing the fees payable in respect of the issue of such permits;
- (n) prescribing the periods of the year and the days and hours when liquor may be sold, served and consumed and providing for the alteration thereof by the Board in respect to individual holders of a licence or in any municipality or prescribed area.

Commencement of Act. 6. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. 7. This Act may be cited as The Liquor Licence Amendment Act, 1947 (No. 2).



ВІШ

An Act to amend The Liquor Licence Act, 1946.

1st Reading
October 24th, 1947

2nd Reading

October 27th, 1947

3rd Reading

October 30th, 1947

Mr. Blackwell

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Liquor Control Act.

Mr. Blackwell

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

GENERAL. Several unrelated amendments of a tidying-up nature comprise the Bill. The wartime provision for ration coupon books is repealed (section 2). The provision governing the printing of the brewers' name on bottle stoppers is brought into line with long established practice (section 3 (1)). To remove doubts it is declared that The Liquor Control Act does not apply in Canada Temperance Act areas (section 6). Other provisions of a technical nature bring The Liquor Control Act into line with The Liquor Licence Act, 1946 (sections 4 and 5); delete an obsolete reference (section 1), and correct an erroneous marginal note (section 3 (2)).

Section 1. This amendment strikes out a reference to section 139 which has already been repealed.

Section 2. The provision which was enacted in 1944 to authorize the issue of ration coupon books for the purchase of Ontario wine and beer is repealed.

Section 3—Subsection 1. Section 68 of the Act provides for the lithographing of the name of the brewer outside and inside of the crown cork stopper used on bottled beer. The amendment provides that the information shall be required only on the outside of the stopper.

Subsection 2. An inaccuracy in the marginal note is corrected.

Section 4. Section 108 of *The Liquor Control Act* prohibits the use of the word "tavern" to be displayed by any person. *The Liquor Licence Act, 1946*, however, provides for an establishment classified as a tavern which classification may be displayed by the owner of the premises. The amendment is to bring this section into harmony with *The Liquor Licence Act, 1946*.

No. 152

BILL

An Act to amend The Liquor Control Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 2 of section 3 of *The Liquor Control Act*, Rev. Stat., as amended by section 2 of *The Liquor Control Amendment* subs. 2. Act, 1944, is further amended by striking out the figures "139" amended. in the tenth line.
- 2. Section 38a of The Liquor Control Act, as enacted by Rev. Stat., section 7 and amended by section 26 of The Liquor Control (1944, c. 34, s. 7).

 Amendment Act, 1944, is repealed.
- 3.—(1) Subsection 1 of section 68 of The Liquor Control Rev. Stat., Act, as amended by section 12 of The Liquor Control Amend-subs. 1. ment Act, 1944, is further amended by striking out the words "and inside" in the fifth line, so that the said subsection shall now read as follows:
 - (1) Every brewer shall on all beer manufactured and Brewers' bottled by him for sale or consumption within the Province of Ontario, place a crown cork stopper or other stopper showing thereon by embossing on the outside thereof or by lithographing on the outside thereof the name of the brewer and such other information as to the contents or otherwise as the Board may from time to time require and shall also cause the same information to be branded in or labelled on all casks, barrels, kegs or other vessels containing such beer so manufactured as the Board may determine.

(2) The marginal note to subsection 1 of the said section 68 Rev. Stat., is amended by striking out the words "to show alcoholic subs. 1, marginal note note".

4. Clause b of subsection 1 of section 108 of *The Liquor* Rev. Stat., *Control Act* is amended by striking out the word "tavern" c. 294, s. 108, in the third line, so that the said clause shall now read as amended. follows:

152

Signs.

(b) exhibit or display, or permit to be exhibited or displayed any sign or poster containing the words "bar", "bar-room", "saloon", "spirits", or "liquors" or words of like import.

Rev. Stat., c. 294, s. 133, amended.

5. Section 133 of *The Liquor Control Act* is amended by striking out the words and figures "under section 139" in the twelfth line and inserting in lieu thereof the words "which has entered into an agreement with The Liquor Licence Board of Ontario", so that the said section shall now read as follows:

Duties of officers and Crown attorneys on receiving information of infringement of this Act.

133. Where any information is given to any provincial police inspector, constable or other officer, that there is cause to suspect that some person is contravening any of the provisions of this Act, it shall be his duty to make diligent inquiry into the truth of such information, and to enter complaint of such contravention before the proper court, without communicating the name of the person giving such information, and it shall be the duty of the Crown attorney within the county in which the offence is committed to attend to the prosecution of all cases submitted to him by an inspector or constable or by an officer appointed under this Act by the Board or by any officer appointed by the council of a municipality which has entered into an agreement with The Liquor Licence Board of Ontario and the council appointing such officer shall be responsible for the payment of the proper fees of the Crown attorney when so employed by such officer.

Rev. Stat., c. 294, amended. **6**. The Liquor Control Act is amended by adding thereto the following section:

Canada Temperance Act areas. 165.—(1) None of the provisions of this Act shall apply in any area within the Province in which the *Canada Temperance Act* is in force.

Application of Act upon C.T.A. ceasing to be in force.

(2) Upon the Canada Temperance Act ceasing to be in force in any area this Act shall, subject to the provisions of section 67 of The Liquor Licence Act, 1946, apply in such area.

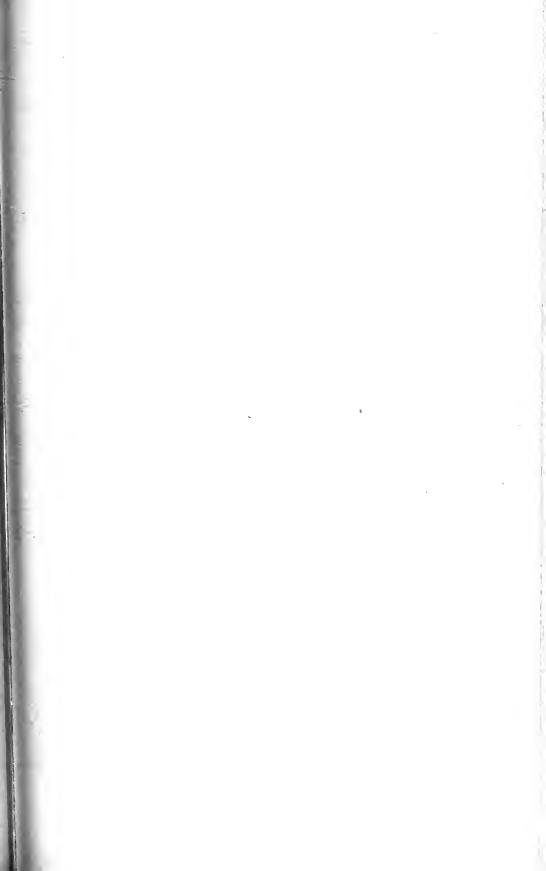
Commencement of Act. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. 8. This Act may be cited as The Liquor Control Amendment Act, 1947 (No. 2).

Section 5. This amendment, which is purely technical, is necessary in view of the provisions of *The Liquor Licence Act*, 1946, which provides that the municipalities to receive fines must now enter into an agreement with the Liquor Licence Board instead of passing a by-law as was formerly the case.

SECTION 6. To remove doubts the section provides that while the Canada Temperance Act is in force in any area the provisions of The Liquor Control Act shall not apply.





An Act to amend The Liquor Control Act.

1st Reading

October 24th, 1947

2nd Reading

3rd Reading

Mr. Blackwell

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Liquor Control Act.

MR. BLACKWELL

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 152

BILL

An Act to amend The Liquor Control Act.

- 1. Subsection 2 of section 3 of The Liquor Control Act, Rev. Stat., as amended by section 2 of The Liquor Control Amendment subs. 2. Act, 1944, is further amended by striking out the figures "139" in the tenth line.
- 2. Section 38a of The Liquor Control Act, as enacted by Rev. Stat., section 7 and amended by section 26 of The Liquor Control (1944, c. 34, s. 7), Amendment Act, 1944, is repealed.
- 3.—(1) Subsection 1 of section 68 of The Liquor Control Rev. Stat., Act, as amended by section 12 of The Liquor Control Amend-subs. 1. amended. ment Act, 1944, is further amended by striking out the words "and inside" in the fifth line, so that the said subsection shall now read as follows:
 - (1) Every brewer shall on all beer manufactured and Brewers' bottled by him for sale or consumption within the Province of Ontario, place a crown cork stopper or other stopper showing thereon by embossing on the outside thereof or by lithographing on the outside thereof the name of the brewer and such other information as to the contents or otherwise as the Board may from time to time require and shall also cause the same information to be branded in or labelled on all casks, barrels, kegs or other vessels containing such beer so manufactured as the Board may determine.
- (2) The marginal note to subsection 1 of the said section 68 Rev. Stat., is amended by striking out the words "to show alcoholic subs. 1, marginal note ontent".
- **4.** Clause b of subsection 1 of section 108 of *The Liquor* Rev. Stat., *Control Act* is amended by striking out the word "tavern" subs. 1. cl. b, in the third line, so that the said clause shall now read as amended. follows:

Signs.

(b) exhibit or display, or permit to be exhibited or displayed any sign or poster containing the words "bar", "bar-room", "saloon", "spirits", or "liquors" or words of like import.

Rev. Stat., c. 294, s. 133, amended.

5. Section 133 of *The Liquor Control Act* is amended by striking out the words and figures "under section 139" in the twelfth line and inserting in lieu thereof the words "which has entered into an agreement with The Liquor Licence Board of Ontario", so that the said section shall now read as follows:

Duties of officers and Crown attorneys on receiving information of infringement of this Act.

133. Where any information is given to any provincial police inspector, constable or other officer, that there is cause to suspect that some person is contravening any of the provisions of this Act, it shall be his duty to make diligent inquiry into the truth of such information, and to enter complaint of such contravention before the proper court, without communicating the name of the person giving such information, and it shall be the duty of the Crown attorney within the county in which the offence is committed to attend to the prosecution of all cases submitted to him by an inspector or constable or by an officer appointed under this Act by the Board or by any officer appointed by the council of a municipality which has entered into an agreement with The Liquor Licence Board of Ontario and the council appointing such officer shall be responsible for the payment of the proper fees of the Crown attorney when so employed by such officer.

Rev. Stat., c. 294, amended. **6**. *The Liquor Control Act* is amended by adding thereto the following section:

Canada Temperance Act areas. 165.—(1) None of the provisions of this Act shall apply in any area within the Province in which the Canada Temperance Act is in force.

Application of Act upon C.T.A. ceasing to be in force.

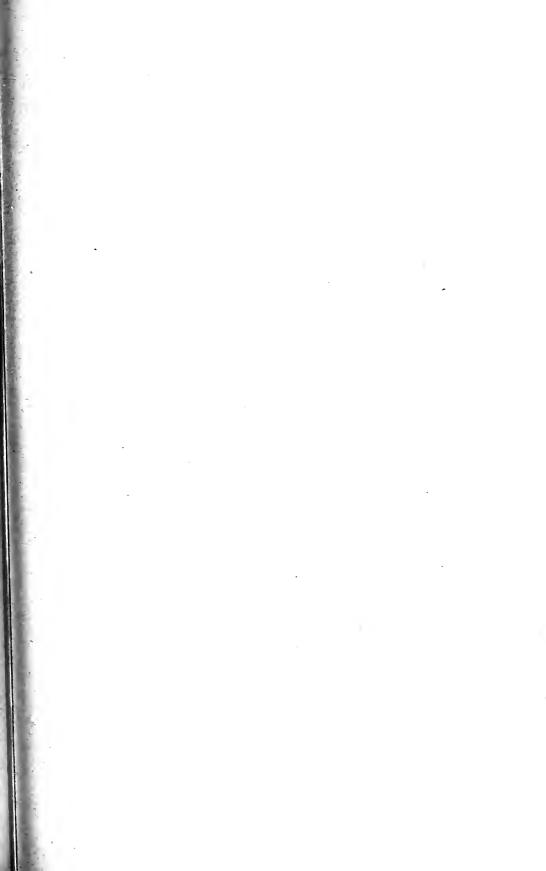
(2) Upon the Canada Temperance Act ceasing to be in force in any area this Act shall, subject to the provisions of section 67 of The Liquor Licence Act, 1946, apply in such area.

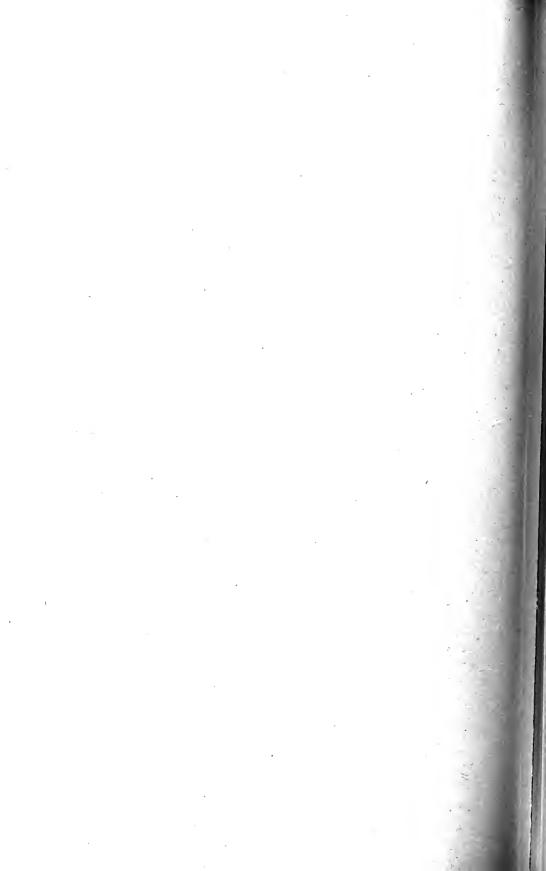
Commencement of Act.

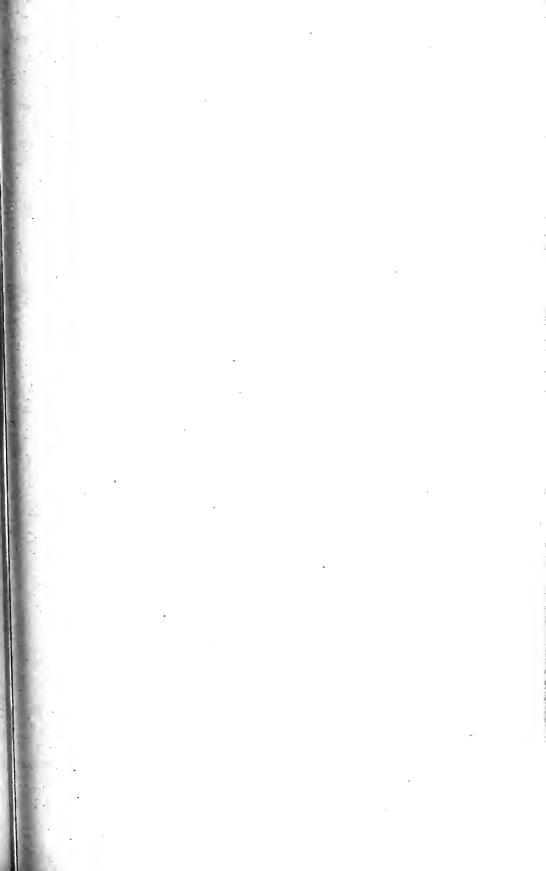
7. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

8. This Act may be cited as The Liquor Control Amendment Act, 1947 (No. 2).







1st Reading

October 24th, 1947

2nd Reading

October 27th, 1947

3rd Reading

October 30th, 1947

Mr. Blackwell

BILL

An Act to amend The Public Utilities Act.

MR. CHALLIES

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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EXPLANATORY NOTE

Section 1. The new section is complementary to the provisions enacted by Bill 154, An Act to amend The Power Commission Act. It provides that any municipal corporation or electrical commission may allocate power amongst its customers if its own supply is interrupted or decreased by the Ontario Hydro Commission.

1947

An Act to amend The Public Utilities Act.

- 1. The Public Utilities Act is amended by adding thereto Rev. Stat., the following section:
 - 17a.—(1) Notwithstanding anything in this Act or in Allocation any general or special Act or in any contract hereto-bution of fore or hereafter entered into, the corporation of any power. municipality or any municipal commission established under this or any other Act which supplies to any person electrical power or energy supplied to it by The Hydro-Electric Power Commission of Ontario may allocate and distribute its available power amongst its customers and interrupt or decrease the delivery of electrical power or energy under any contract at all times when its own supply of electrical power or energy has been interrupted or decreased by The Hydro-Electric Power Commission of Ontario pursuant to section 58a of The Power Commission Rev. Stat., Act.
 - (2) Nothing done under subsection 1 shall be deemed a No breach breach of contract or entitle any person to rescind any contract or release any guarantor from performance of his obligations.
- 2. This Act shall come into force on the day upon which it Commence-receives the Royal Assent.
- 3. This Act may be cited as The Public Utilities Amendment Short title. Act, 1947 (No. 2).

An Act to amend The Public Utilities Act.

1st Reading

October 24th, 1947

2nd Reading

3rd Reading

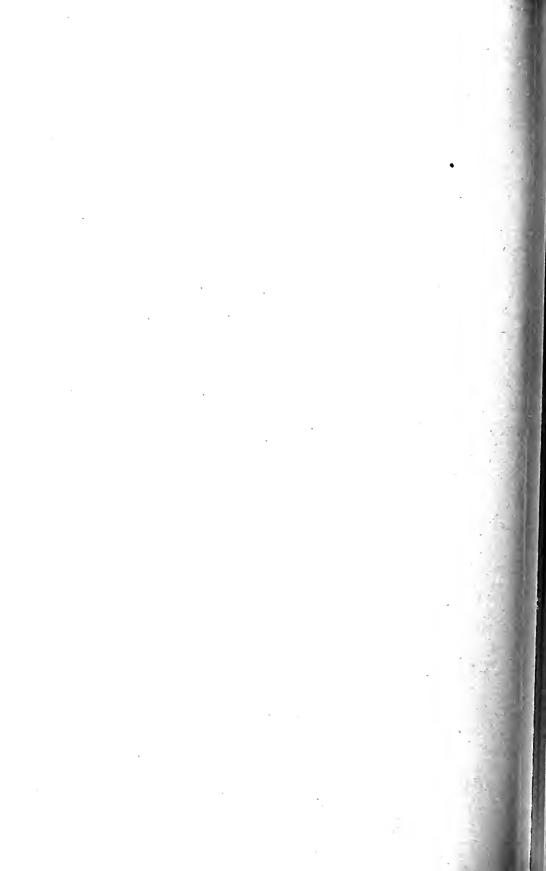
Mr. Challies

BILL

An Act to amend The Public Utilities Act.

MR. CHALLIES

TORONTO PRINTED AND PUBLISHED BY BAPTIST JOHNSTON PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 153 1947

BILL

An Act to amend The Public Utilities Act.

- 1. The Public Utilities Act is amended by adding thereto Rev. Stat., the following section:
 - 17a.—(1) Notwithstanding anything in this Act or in Allocation any general or special Act or in any contract hereto-bution of fore or hereafter entered into, the corporation of any power. municipality or any municipal commission established under this or any other Act which supplies to any person electrical power or energy supplied to it by The Hydro-Electric Power Commission of Ontario may allocate and distribute its available power amongst its customers and interrupt or decrease the delivery of electrical power or energy under any contract at all times when its own supply of electrical power or energy has been interrupted or decreased by The Hydro-Electric Power Commission of Ontario pursuant to section 58a of The Power Commission Rev. Stat., Act.
 - (2) Nothing done under subsection 1 shall be deemed a No breach breach of contract or entitle any person to rescind any contract or release any guarantor from performance of his obligations.
- 2. This Act shall come into force on the day upon which it Commence-receives the Royal Assent.
- 3. This Act may be cited as The Public Utilities Amendment Short title. Act, 1947 (No. 2).

An Act to amend The Public Utilities Act.

1st Reading October 24th, 1947

2nd Reading

October 27th, 1947

3rd Reading

October 30th, 1947

Mr. Challies

BILL

An Act to amend The Power Commission Act.

Mr. Challies

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

Section 1. This amendment is complementary to section 2.

SECTION 2. The proposed section 58a empowers the Commission to declare a state of emergency and thereupon exercise its judgment in allocating available power, and with the approval of the Lieutenant-Governor, regulate, restrict, prohibit and control power in order that there may be economical, efficient and equitable use thereof.

No. 154 1947

BILL

An Act to amend The Power Commission Act.

- 1. Section 58 of *The Power Commission Act*, as amended by Rev. Stat., section 7 of *The Power Commission Amendment Act*, 1943, is amended. further amended by adding at the commencement thereof the words, figures and letter "Except as provided in section 58a", so that the said section shall now read as follows:
 - 58. Except as provided in section 58a, where the Com-Effect of approval mission has heretofore entered or shall hereafter of agree-enter into an agreement for the supplying of electrical Lieutenant-power or energy by or to the Commission or for any in Council. other work or service to be done or supplied by or to the Commission, and such agreement has been or shall hereafter be submitted to and approved by the Lieutenant-Governor in Council, such agreement shall thereupon be valid and binding upon the parties thereto and shall not be open to question upon any grounds whatsoever, anything in this Act or in any other Act to the contrary notwithstanding.
- 2. The Power Commission Act is amended by adding thereto Rev. Stat., the following section:

 amended.
 - 58a.—(1) Notwithstanding anything in this Act or in State of any general or special Act or in any contract heretofore or hereafter entered into by the Commission or by any municipal corporation for which the Commission supplies electrical power, pursuant to section 71, where at any time the Commission is of opinion that a state of emergency exists by reason of damage to or destruction, failure or breakdown of any of its works, wastage of power, power demand in excess of its power resources or other matters restricting its ability to deliver power, and the Commission so declares, the Commission may, during the state of emergency,—

- (a) allocate and distribute its available power amongst the customers under such contracts and interrupt or decrease delivery of power under any contract during the continuance of the emergency; and
- (b) with the approval of the Lieutenant-Governor in Council, regulate, restrict, prohibit and control the generation, transformation, transmission, distribution, supply and use of electrical power supplied by it,

in order to effect what is in its opinion the most economical, efficient and equitable use and distribution of such electrical power.

No breach of contract.

(2) Nothing done under subsection 1 shall be deemed a breach of contract by the Commission or any municipal corporation or entitle any person to rescind any contract or release any guarantor from the performance of his obligations.

Rev. Stat., c. 62, s. 97, re-enacted.

3. Section 97 of *The Power Commission Act* is repealed and the following substituted therefor:

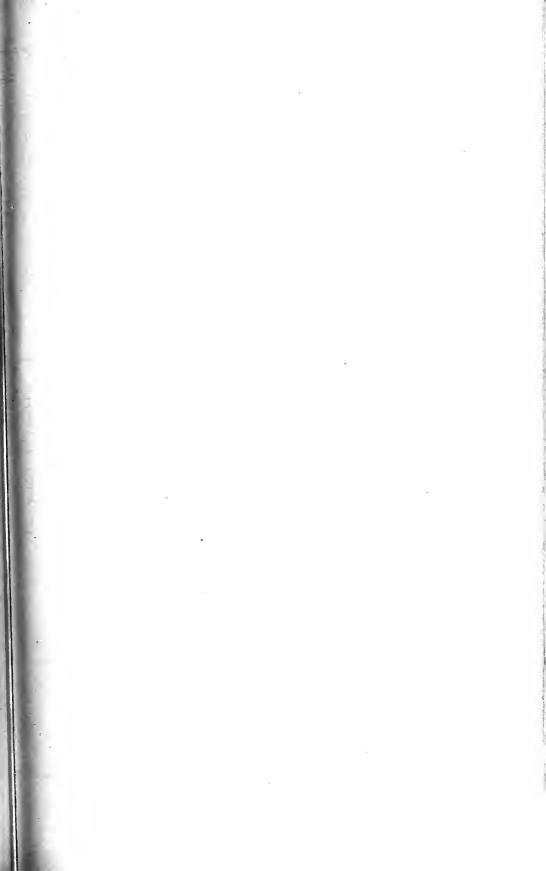
Orders of Commission, penalty for disobeying. 97. A municipal corporation or municipal commission and any company or individual neglecting or refusing to obey and carry out any order, regulation, prohibition or direction of the Commission or of a member thereof made under section 86, or any order, regulation, prohibition or direction of the Commission made under sections 58a, 87, 89, 90, 92, 93, 94 and 96, in addition to any other liability, shall forfeit to His Majesty for the use of Ontario, the sum of \$100 for every day during which such neglect or refusal shall continue.

Commencement of Act. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. 5. This Act may be cited as The Power Commission Amendment Act, 1947 (No. 2).

Section 3. The present section 97 of *The Power Commission Act* is amended by including Orders made under new section 58a in those matters for which a penalty is prescribed.





An Act to amend The Power Commission Act.

1st Reading

October 24th, 1947

2nd Reading

3rd Reading

Mr. Challies

BILL

An Act to amend The Power Commission Act.

MR. CHALLIES

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 154 1947

BILL

An Act to amend The Power Commission Act.

- 1. Section 58 of *The Power Commission Act*, as amended by Rev. Stat., section 7 of *The Power Commission Amendment Act*, 1943, is amended. further amended by adding at the commencement thereof the words, figures and letter "Except as provided in section 58a", so that the said section shall now read as follows:
 - 58. Except as provided in section 58a, where the Com-Effect of mission has heretofore entered or shall hereafter of approval enter into an agreement for the supplying of electrical Lieutenant-power or energy by or to the Commission or for any in Council. other work or service to be done or supplied by or to the Commission, and such agreement has been or shall hereafter be submitted to and approved by the Lieutenant-Governor in Council, such agreement shall thereupon be valid and binding upon the parties thereto and shall not be open to question upon any grounds whatsoever, anything in this Act or in any other Act to the contrary notwithstanding.
 - - 58a.—(1) Notwithstanding anything in this Act or in State of any general or special Act or in any contract heretofore or hereafter entered into by the Commission or by any municipal corporation for which the Commission supplies electrical power, pursuant to section 71, where at any time the Commission is of opinion that a state of emergency exists by reason of damage to or destruction, failure or breakdown of any of its works, wastage of power, power demand in excess of its power resources or other matters restricting its ability to deliver power, and the Commission so declares, the Commission may, during the state of emergency,—

- (a) allocate and distribute its available power amongst the customers under such contracts and interrupt or decrease delivery of power under any contract during the continuance of the emergency; and
- (b) with the approval of the Lieutenant-Governor in Council, regulate, restrict, prohibit and control the generation, transformation, transmission, distribution, supply and use of electrical power supplied by it,

in order to effect what is in its opinion the most economical, efficient and equitable use and distribution of such electrical power.

No breach of contract.

(2) Nothing done under subsection 1 shall be deemed a breach of contract by the Commission or any municipal corporation or entitle any person to rescind any contract or release any guarantor from the performance of his obligations.

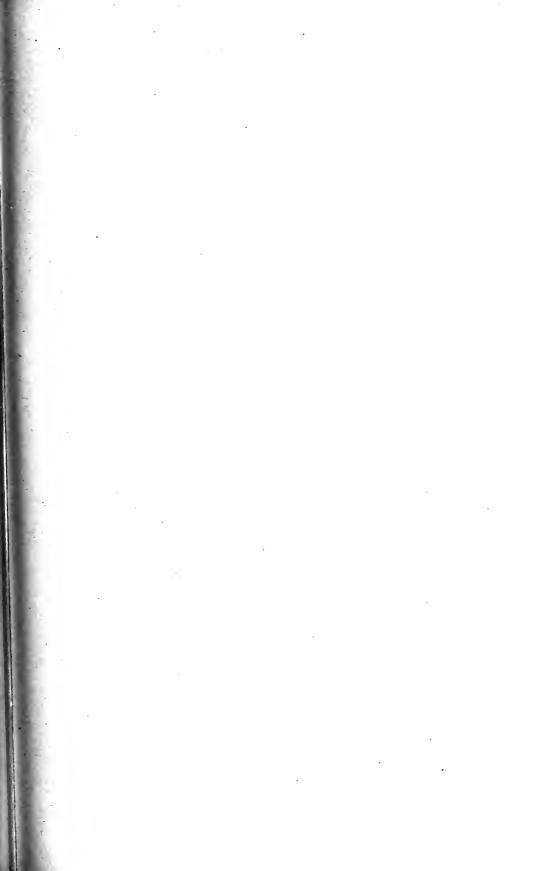
Rev. Stat., c. 62, s. 97, re-enacted.

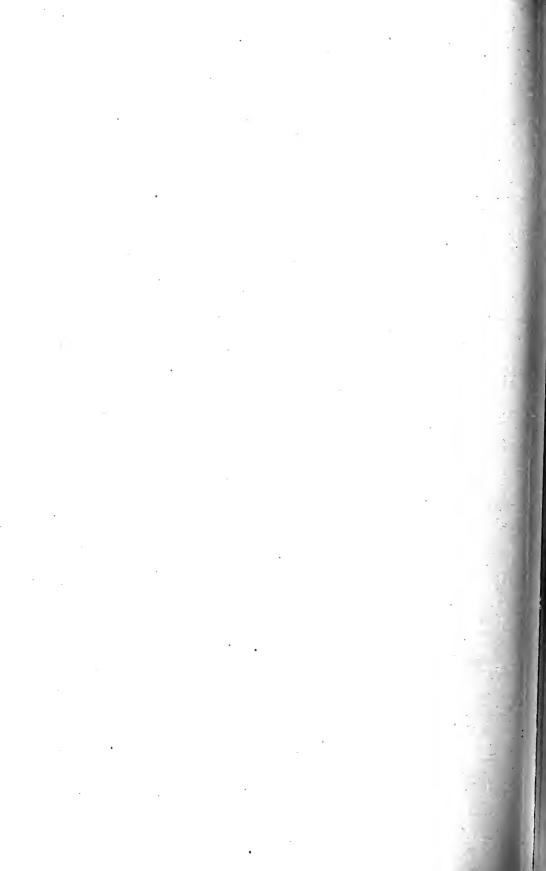
3. Section 97 of *The Power Commission Act* is repealed and the following substituted therefor:

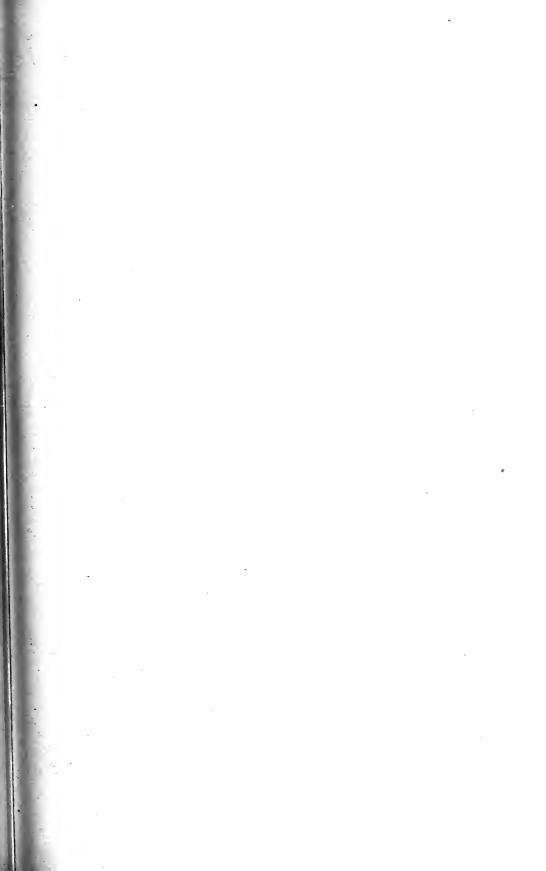
Orders of Commission, penalty for disobeying. 97. A municipal corporation or municipal commission and any company or individual neglecting or refusing to obey and carry out any order, regulation, prohibition or direction of the Commission or of a member thereof made under section 86, or any order, regulation, prohibition or direction of the Commission made under sections 58a, 87, 89, 90, 92, 93, 94 and 96, in addition to any other liability, shall forfeit to His Majesty for the use of Ontario, the sum of \$100 for every day during which such neglect or refusal shall continue.

Commencement of Act. This Act shall come into force on the day upon which it receives the Royal Assent.

5. This Act may be cited as The Power Commission Amendment Act, 1947 (No. 2).







An Act to amend The Power Commission Act.

1st Reading
October 24th, 1947

2nd Reading

October 27th, 1947

3rd Reading October 30th, 1947

Mr. Challies

BILL

An Act to protect Certain Civil Rights.

MR. GRUMMETT

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

The general purpose of this Bill is to protect by Statute the rights of freedom of religion, freedom of speech and freedom of association, and more specifically to prohibit discrimination against any person by reason of race, nationality or religion in such matters as employment, education, right of access to any place serving the public, etc.

Sections 2, 3 and 4. The rights here protected are generally accepted as common rights of citizens, but have in the past been infringed by such methods as municipal by-laws restricting distribution of literature, etc., and recourse to law has been difficult because of the lack of express statutory declaration of these rights.

Section 5. Prohibits discrimination in employment, with proper protection for institutions in which religious teaching is conducted.

Section 6. Prohibits discrimination in the right to engage in any occupation.

No. 155

BILL

An Act to protect Certain Civil Rights.

- 1. In this Act, the expression "creed" means religious "Creed" creed.
- 2. Every person and every class of persons shall enjoy the Rights declared,—right to freedom of conscience, opinion and belief, and freedom conscience, religious of religious association, teaching, practice and worship.

 Triple

 1. **Triple**

 1. **Triple**

 1. **Triple**

 2. **Every person and every class of persons shall enjoy the Rights declared,—
- **3**. Every person and every class of persons shall, under the expression; law, enjoy the right to freedom of expression through all means of communication, including speech, the press and the arts.
- **4.** Every person and every class of persons shall enjoy the assembly; right to peaceable assembly with others and to form with others associations of any character under the law.
- **5.**—(1) Every person and every class of persons shall enjoy employment the right to obtain and retain employment without discrimination with respect to the compensation, terms, conditions or privileges of employment because of the race, creed, religion, colour or ethnic or national origin of such person or class of persons.
- (2) Nothing in subsection 1 shall deprive a religious insti-Savingtution or any school or board of trustees thereof of the right to employ persons of any particular creed or religion where religious instruction forms or can form the whole or part of the instruction or training provided by such institution, and nothing in subsection 1 shall apply with respect to domestic service or employment involving a confidential relationship.
- **6.** Every person and every class of persons shall enjoy the Right to right to engage in and carry on any occupation, business or business. enterprise under the law without discrimination because of the

race, creed, religion, colour or ethnic or national origin of such person or class of persons.

Rights respecting real property:

7. Every person and every class of persons shall enjoy the right to acquire by purchase, to own in fee simple or otherwise, to lease, rent and to occupy any real property without discrimination because of the race, creed, religion, colour or ethnic or national origin of such person or class of persons.

Hotels, theatres, etc.

8. Every person and every class of persons shall enjoy the right to obtain the accommodation or facilities of any standard or other hotel, victualling house, theatre or any place to which the public is customarily admitted, regardless of the race, creed, religion, colour or ethnic or national origin of such persons or class of persons.

Trade unions, etc.

9. Every person and every class of persons shall enjoy the right to membership in and all of the benefits appertaining to membership in every professional society, trade union or other occupational organization without discrimination because of the race, creed, religion, colour or ethnic or national origin of such person or class of persons.

Education.

10.—(1) Every person and every class of persons shall enjoy the right to education in any school, college, university or other institution or place of learning, vocational training or apprenticeship without discrimination because of the race, creed, religion, colour or ethnic or national origin of such person or class of persons.

Saving.

(2) Nothing in subsection 1 shall prevent a school, college, university or other institution or place of learning which enrolls persons of a particular creed or religion exclusively, or which is conducted by a religious order or society from adopting or continuing its policy with respect to such enrolment.

Discriminatory representations prohibited.

11.—(1) No person shall publish, display or cause or permit to be published or displayed on any lands or premises or in any newspaper, through any radio broadcasting station, or by means of any other medium which he owns, controls, distributes or sells, any notice, sign, symbol, emblem or other representation tending or likely to tend to deprive, abridge or otherwise restrict, because of the race, creed, religion, colour or ethnic or national origin of any person or class of persons, the enjoyment by any such person or class of persons of any right to which he or it is entitled under the law.

Saving.

(2) Nothing in subsection 1 shall be construed as restricting the right to freedom of speech under the law, upon any subject.

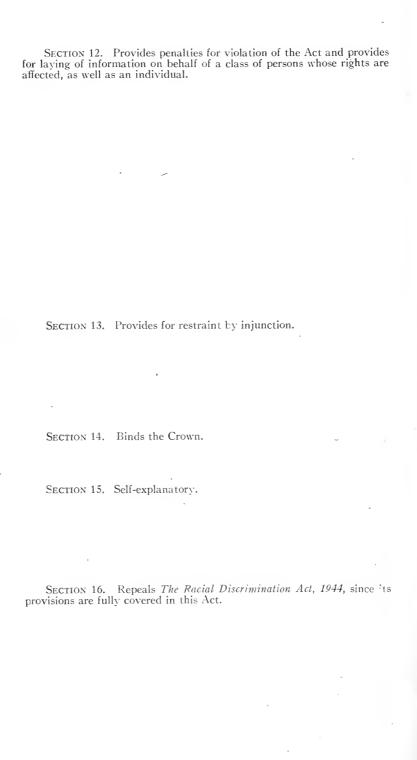
Section 7. Prohibits discrimination in the right to own or lease property. Discriminatory conditions in terms of sale have been found contrary to public interest by the courts, and it is desirable to give this protection the force of statutory law.

Section 8. Prohibits discrimination by hotels, restaurants, theatres and other places to which the public is admitted.

Section 9. Prohibits discrimination with respect to membership in any professional society, trade union, etc.

Section 10. Prohibits discrimination by educational institutions, with proper protection for religious institutions.

Section 11. Prohibits publication or display of discriminatory matter.



12.—(1) Every person who deprives, abridges, or otherwise Penalty. restricts or attempts to deprive, abridge or otherwise restrict any person or class of persons in the enjoyment of any right under this Act or who contravenes any provision thereof shall be guilty of an offense and liable on summary conviction to a fine of not less than \$25.00 nor more than \$50.00 for the first offence, and not less than \$50.00 nor more than \$200 for a subsequent offence, and in default of payment to imprisonment for not more than three months.

(2) The penalties provided by this section may be enforced Enforcement of penalties. upon the information of any person alleging on behalf of himself or of any class of persons that any right which he or any class of persons or any member of any such class of persons is entitled to enjoy under this Act has been denied, abridged, or restricted because of the race, creed, religion, colour, ethnic or national origin of himself, or of any such class of persons or of any member of any such class of persons.

- 13. Every person who deprives, abridges or otherwise Injunction. restricts or attempts to deprive, abridge or otherwise restrict any person or class of persons in the enjoyment of any right under this Act may be restrained by an injunction issued in an action in the Supreme Court of Ontario brought by any person against the person responsible for such deprivation, abridgment or other restriction, or any attempt thereat.
- **14.** The provisions of this Act shall bind the Crown and Crown. every servant and agent of the Crown.
- 15. Except as herein expressly provided, nothing in this Act No derogashall be construed as derogating from any right, freedom or other rights. liberty to which any person or class of persons is entitled under the law.
 - 1944, c. 51, **16**. The Racial Discrimination Act, 1944, is repealed. repealed.
- 17. This Act shall come into force on the day upon which Commenceit receives the Royal Assent.
- 18. This Act may be cited as The Ontario Bill of Rights Short title. Act. 1947.

An Act to protect Certain Civil Rights.

1st Reading October 24th, 1947

2nd Reading

3rd Reading

Mr. Grummett

BILL

The Royal Ontario Museum Act, 1947.

Mr. Drew

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The purpose of the Bill is to integrate more closely the functions of The Royal Ontario Museum with those of the University of Toronto.

The Bill provides for a board of twelve directors of the Museum to be known as The Museum Board which shall be responsible for the caring of and management of the Museum. The Chancellor, the President and the Chairman of the Board of Governors of the University of Toronto are to be ex officio members of the Museum Board. The other nine members of the Board are to be appointed by the Board of Governors of the University. Four of them are to be appointed from among the members of the Board of Governors and the remaining five shall not be members of the Board of Governors, but one of them is to be appointed on the nomination of the Principal of Queen's University and one on the nomination of the President of the University of Western Ontario. The Chairman of the Museum Board is to be appointed by the Board of Governors of the University from among the members of the Museum Board who are members of the Board of Governors.

The property of the Museum is transferred by the Bill to the Board of Governors of the University of Toronto.

No. 156

BILL

The Royal Ontario Museum Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-

1947

- (a) "Board of Governors" shall mean The Governors of "Board of the University of Toronto appointed under The University of Toronto Act, 1947; and
- (b) "Museum Board" shall mean the Museum Board "Museum established under this Act.
- 2. The purposes of The Royal Ontario Museum are:

Purposes of Museum.

- (a) the collection and exhibition of objects of any kind to illustrate and make known to the public the natural history of Ontario;
- (b) the collection and exhibition of objects of any kind to illustrate and to make known to the public the natural history of the world and the history of man in all the ages;
- (c) the collection and exhibition of objects, documents and books of any kind to illustrate and to make known to the public the natural history and history of Ontario and Canada;
- (d) the promotion of teaching, research and publication in the natural history of the world and the history of Ontario and Canada; and
- (e) the co-operation with manufacturers or industry in Ontario for the purpose of improving or expanding industrial design.
- 3.—(1) There shall be a board of directors of The Royal Museum Board.

Ontario Museum to be known as the Museum Board which shall be composed of twelve members.

Ex officio members.

(2) The Chancellor of the University of Toronto, the President of the University of Toronto and the Chairman of the Board of Governors shall be *ex officio* members of the Museum Board.

Appointed members.

(3) Four members of the Museum Board shall be appointed by the Board of Governors and shall be members of the Board of Governors.

(4) Five members of the Museum Board shall be appointed by the Board of Governors but shall not be members of the Board of Governors, but,—

- (a) one of such five members shall be appointed on the nomination of the Principal of Queen's University;
 and
- (b) one of such five members shall be appointed on the nomination of the President of the University of Western Ontario.

Tenure of office.

(5) The members of the Museum Board other than the ex officio members shall hold office during the pleasure of the Board of Governors.

Minimum membership.

(6) Notwithstanding any vacancy in the Museum Board, as long as there are at least nine members it shall be competent for the Museum Board to exercise its powers.

Quorum.

(7) Five members of the Museum Board shall constitute a quorum.

Chairman.

4. The Chairman of the Museum Board shall be appointed by the Board of Governors from among the members of the Museum Board who are members of the Board of Governors.

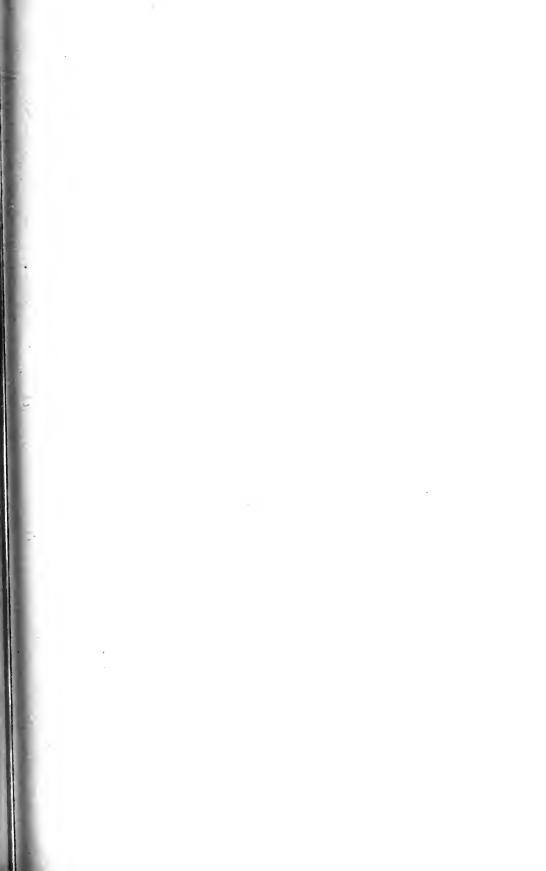
Management of Museum.

5. The Royal Ontario Museum shall be carried on and managed by the Museum Board.

By-laws, regulations, appointments. **6.** Subject to the approval of the Board of Governors, the Museum Board may make such by-laws, rules and regulations as it may deem necessary. .

Right to name.

7. The name "The Royal Ontario Museum", and the sole right to the use thereof, are hereby vested in the Board of Governors.



8. On and after the coming into force of this Act, The Old corpora-Royal Ontario Museum as a body corporate shall for all up. purposes be deemed to have been wound up and dissolved, provided that any right or claim existing against The Royal Ontario Museum shall not be prejudiced thereby, but all such rights and claims shall remain and may be enforced against the Board of Governors.

9.—(1) All property, real and personal, and the under-Vesting of taking and assets, with all the rights, powers, privileges and Board of immunities now vested in, owned, held, possessed or enjoyed Governors. by The Royal Ontario Museum are hereby vested in the Board of Governors without the necessity of any other grant, conveyance, transfer, assignment or vesting thereof, subject to the provisions of this Act and subject to all debts and obligations due or owing by or from The Royal Ontario Museum.

(2) Without limiting the generality of the foregoing pro-Rights to other assets. visions, all gifts, devises, deeds, conveyances, transfers and leases of any real property or of any interest therein and all gifts, bequests, assignments and transfers of any personal property or of any interest therein, which have been or shall hereafter be made or intended for The Royal Ontario Museum are hereby vested in the Board of Governors as fully and effectually as if any such gift, devise, deed, conveyance, transfer, lease, bequest or assignment had been made to the Board of Governors, but, so far as the Board of Governors may in its sole discretion deem it practicable or advisable, any property real or personal heretofore vested in The Royal Ontario Museum for any special purposes or trusts of or in any way connected with The Royal Ontario Museum shall be held for the purposes and trusts, and with, under and subject to the same powers and provisions as are in force or declared under any statute, deed or other instrument affecting such property respectively and any property real or personal, hereafter given, devised, bequeathed, assigned or transferred to or intended for The Royal Ontario Museum, shall vest in the Board of Governors and shall be held for the purposes and trusts and with, under, and subject to the same powers and provisions for The Royal Ontario Museum as an integral part of the University of Toronto as are declared under any statute, deed or other instrument affecting such property respectively.

10. The Royal Ontario Museum Act is repealed.

Rev. Stat., c. 378, repealed.

- 11. This Act shall come into force on a day to be named by Commencethe Lieutenant-Governor by his Proclamation.
- 12. This Act may be cited as The Royal Ontario Museum Short title. Act, 1947.



The Royal Ontario Museum Act, 1947.

1st Reading October 24th, 1947

2nd Reading

Mr. Drew

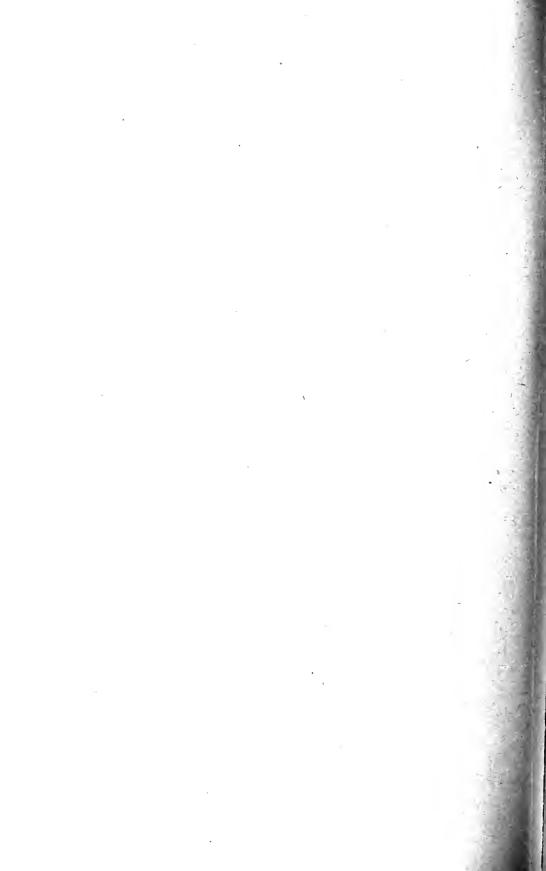
3rd Reading

BILL

The Royal Ontario Museum Act, 1947.

Mr. Drew

TORONTO



No. 156

1947

BILL

The Royal Ontario Museum Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-

- (a) "Board of Governors" shall mean The Governors of "Board of Governors"; the University of Toronto appointed under The 1947, c. 112. University of Toronto Act, 1947; and
- (b) "Museum Board" shall mean the Museum Board Board". established under this Act.
- 2. The purposes of The Royal Ontario Museum are:

Purposes of Museum.

- (a) the collection and exhibition of objects of any kind to illustrate and make known to the public the natural history of Ontario;
- (b) the collection and exhibition of objects of any kind to illustrate and to make known to the public the natural history of the world and the history of man in all the ages;
- (c) the collection and exhibition of objects, documents and books of any kind to illustrate and to make known to the public the natural history and history of Ontario and Canada;
- (d) the promotion of teaching, research and publication in the natural history of the world and the history of Ontario and Canada; and
- (e) the co-operation with manufacturers or industry in Ontario for the purpose of improving or expanding industrial design.
- 3.—(1) There shall be a board of directors of The Royal Museum Board.

Ontario Museum to be known as the Museum Board which shall be composed of twelve members.

Ex officio members.

(2) The Chancellor of the University of Toronto, the President of the University of Toronto and the Chairman of the Board of Governors shall be *ex officio* members of the Museum Board.

Appointed members.

(3) Four members of the Museum Board shall be appointed by the Board of Governors and shall be members of the Board of Governors.

(4) Five members of the Museum Board shall be appointed by the Board of Governors but shall not be members of the Board of Governors, but,—

- (a) one of such five members shall be appointed on the nomination of the Principal of Queen's University;
- (b) one of such five members shall be appointed on the nomination of the President of the University of Western Ontario.

Tenure of office.

(5) The members of the Museum Board other than the ex officio members shall hold office during the pleasure of the Board of Governors.

Minimum membership.

(6) Notwithstanding any vacancy in the Museum Board, as long as there are at least nine members it shall be competent for the Museum Board to exercise its powers.

Quorum.

(7) Five members of the Museum Board shall constitute a quorum.

Chairman.

4. The Chairman of the Museum Board shall be appointed by the Board of Governors from among the members of the Museum Board who are members of the Board of Governors.

Management of Museum.

5. The Royal Ontario Museum shall be carried on and managed by the Museum Board.

By-laws, regulations, appointments. **6**. Subject to the approval of the Board of Governors, the Museum Board may make such by-laws, rules and regulations as it may deem necessary.

Right to name.

7. The name "The Royal Ontario Museum", and the sole right to the use thereof, are hereby vested in the Board of Governors.

8. On and after the coming into force of this Act, The Old corpora-Roval Ontario Museum as a body corporate shall for all up. purposes be deemed to have been wound up and dissolved, provided that any right or claim existing against The Royal Ontario Museum shall not be prejudiced thereby, but all such rights and claims shall remain and may be enforced against the Board of Governors.

9.—(1) All property, real and personal, and the under-Vesting of taking and assets, with all the rights, powers, privileges and Board of immunities now vested in, owned, held, possessed or enjoyed Governors. by The Royal Ontario Museum are hereby vested in the Board of Governors without the necessity of any other grant, conveyance, transfer, assignment or vesting thereof, subject to the provisions of this Act and subject to all debts and obligations due or owing by or from The Royal Ontario Museum.

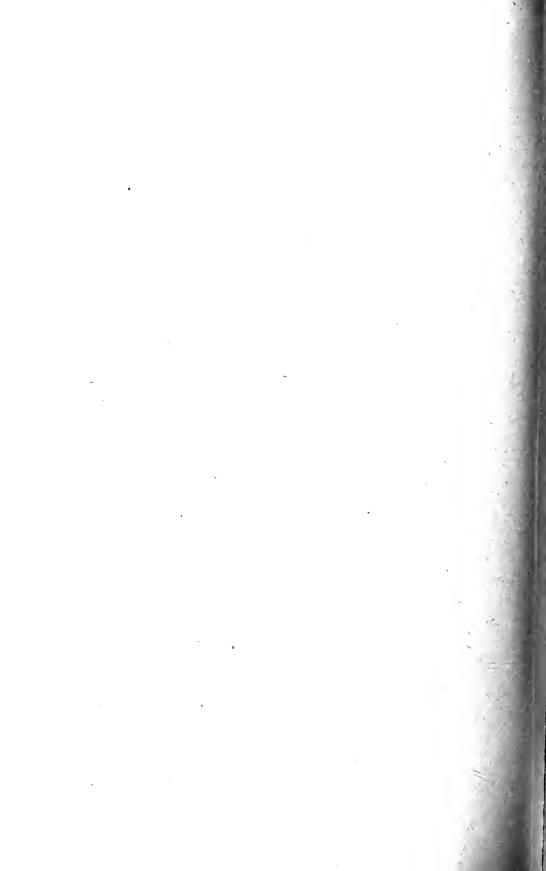
(2) Without limiting the generality of the foregoing pro-Rights to other assets. visions, all gifts, devises, deeds, conveyances, transfers and leases of any real property or of any interest therein and all gifts, bequests, assignments and transfers of any personal property or of any interest therein, which have been or shall hereafter be made or intended for The Royal Ontario Museum are hereby vested in the Board of Governors as fully and effectually as if any such gift, devise, deed, conveyance, transfer, lease, bequest or assignment had been made to the Board of Governors, but, so far as the Board of Governors may in its sole discretion deem it practicable or advisable, any property real or personal heretofore vested in The Royal Ontario Museum for any special purposes or trusts of or in any way connected with The Royal Ontario Museum shall be held for the purposes and trusts, and with, under and subject to the same powers and provisions as are in force or declared under any statute, deed or other instrument affecting such property respectively and any property real or personal, hereafter given, devised, bequeathed, assigned or transferred to or intended for The Royal Ontario Museum, shall vest in the Board of Governors and shall be held for the purposes and trusts and with, under, and subject to the same powers and provisions for The Royal Ontario Museum as an integral part of the University of Toronto as are declared under any statute. deed or other instrument affecting such property respectively.

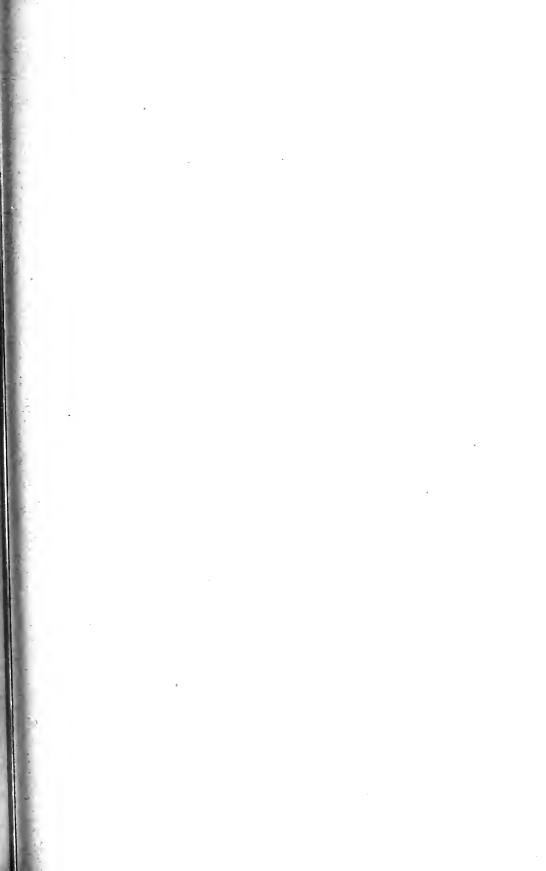
10. The Royal Ontario Museum Act is repealed.

Rev. Stat.,

11. This Act shall come into force on a day to be named by Commencethe Lieutenant-Governor by his Proclamation.

12. This Act may be cited as The Royal Ontario Museum Short title. Act, 1947.





The Royal Ontario Museum Act, 1947.

1st Reading

October 24th, 1947

2nd Reading October 27th, 1947

3rd Reading

October 30th, 1947

Mr. Drew

BILL

An Act to prevent the Improper Removal of Business Records from Ontario.

Mr. Drew

EXPLANATORY NOTE

The purpose of the Bill is to prohibit the taking, sending, or removal of records relating to any business carried on in Ontario from a point within Ontario to a point outside of Ontario in answer to a subpoena or a like order issued by an authority outside of Ontario. The prohibition does not affect the making of regular returns by a branch or subsidiary in Ontario to its head office or parent company outside of Ontario or to practices authorized by or under any law of Ontario or of the Parliament of Canada.

A judge of the Supreme Court may upon the application of the Attorney General or of a person having an interest in a business in respect of which a subpoena or like order has been or is likely to be made, require any person to furnish an undertaking or recognizance that the prohibition provisions of the Act will not be violated.

No. 157

BILL

An Act to prevent the Improper Removal of Business Records from Ontario.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. No person shall pursuant to or under or in a manner Business which would be consistent with compliance with any require-to be taken ment, order, direction or subpoena of any legislative, adminis-from trative or judicial authority in any jurisdiction outside of Ontario, take or cause to be taken, send or cause to be sent or remove or cause to be removed from a point within Ontario to a point outside of Ontario, any account, balance sheet, profit and loss statement or inventory or any resume or digest thereof or any other record, statement, report or material in any way relating to any business carried on in Ontario unless such taking, sending or removal,—
 - (a) is consistent with and forms part of a regular practice of furnishing to a head office or parent company or organization outside of Ontario material relating to a branch or subsidiary company or organization carrying on business in Ontario; or
 - (b) is provided for by or under any law of Ontario or of the Parliament of Canada.
- 2.—(1) Where the Attorney General or any person having Undertaking an interest in a business as mentioned in section 1 has reason nizance. to believe that a requirement, order, direction or subpoena as mentioned in section 1 has been or is likely to be made, issued or given in relation to such business, he may apply to a judge or local judge of the Supreme Court in Chambers for an order requiring any person, whether or not such person is named in the requirement, order, direction or subpoena, to furnish an undertaking and recognizance for the purpose of ensuring that such person will not violate the provisions of section 1 and the judge may make such order as he may deem proper.

Contempt of court.

(2) Every person who, having received notice of an application under this section, violates this Act shall be deemed to be in contempt of court and liable to one year's imprisonment.

Idem.

(3) Every person required to furnish an undertaking or recognizance who violates this Act shall be in contempt of court and in addition to any penalty provided by the recognizance shall be liable to one year's imprisonment.

Procedure.

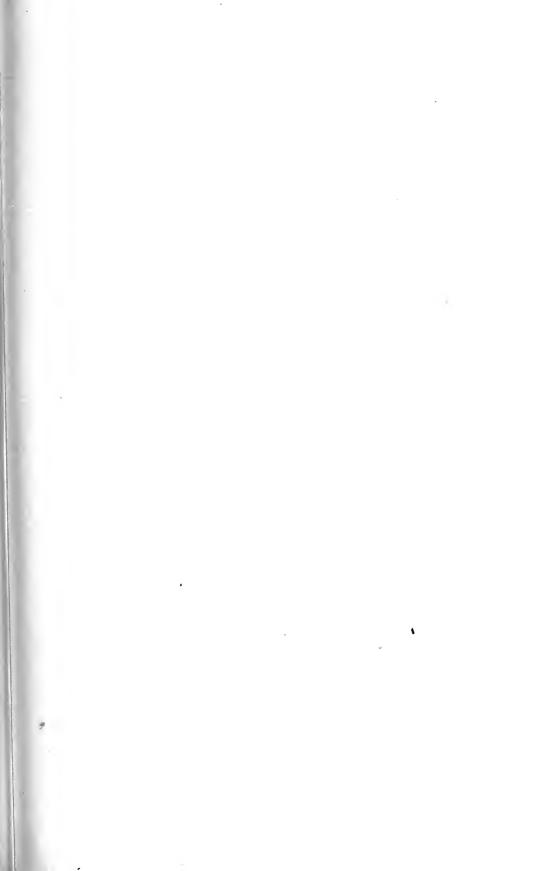
3. The practice and procedure of the Supreme Court shall apply to every application made under this Act.

Commencement of Act.

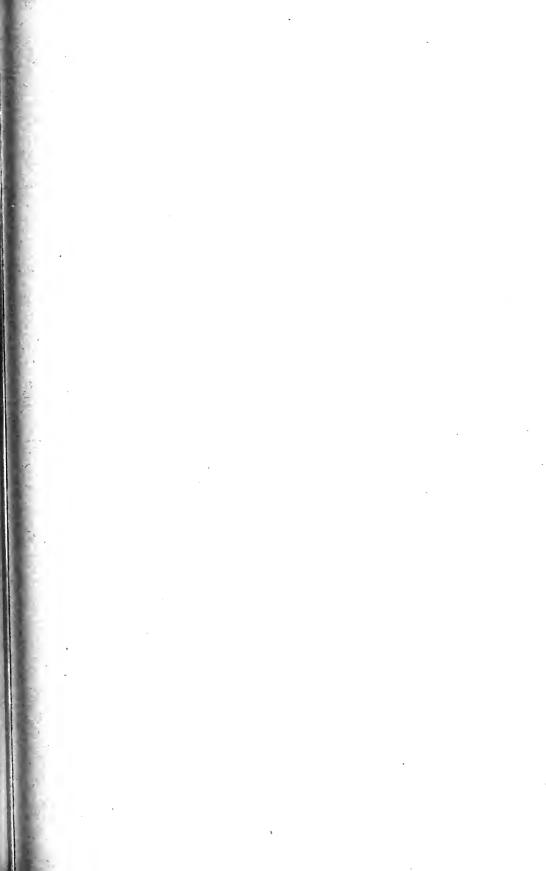
4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as The Business Records Protection Act, 1947.







An Act to prevent the Improper Removal of Business Records from Ontario.

1st Reading October 27th, 1947

2nd Reading

3rd Reading

Mr. Drew

BILL

An Act to prevent the Improper Removal of Business Records from Ontario.

MR. DREW



No. 157 1947

BILL

An Act to prevent the Improper Removal of Business Records from Ontario.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. No person shall pursuant to or under or in a manner Business which would be consistent with compliance with any require-to be taken ment, order, direction or subpoena of any legislative, adminis-from Ontario. trative or judicial authority in any jurisdiction outside of Ontario, take or cause to be taken, send or cause to be sent or remove or cause to be removed from a point within Ontario to a point outside of Ontario, any account, balance sheet, profit and loss statement or inventory or any resume or digest thereof or any other record, statement, report or material in any way relating to any business carried on in Ontario unless such taking, sending or removal,—
 - (a) is consistent with and forms part of a regular practice of furnishing to a head office or parent company or organization outside of Ontario material relating to a branch or subsidiary company or organization carrying on business in Ontario; or
 - (b) is provided for by or under any law of Ontario or of the Parliament of Canada.

2.—(1) Where the Attorney General or any person having Undertaking and recogan interest in a business as mentioned in section 1 has reason nizance. to believe that a requirement, order, direction or subpoena as mentioned in section 1 has been or is likely to be made, issued or given in relation to such business, he may apply to a judge or local judge of the Supreme Court in Chambers for an order requiring any person, whether or not such person is named in the requirement, order, direction or subpoena, to furnish an undertaking and recognizance for the purpose of ensuring that such person will not violate the provisions of section 1 and the judge may make such order as he may deem proper.

Contempt of court.

(2) Every person who, having received notice of an application under this section, violates this Act shall be deemed to be in contempt of court and liable to one year's imprisonment.

Idem.

(3) Every person required to furnish an undertaking or recognizance who violates this Act shall be in contempt of court and in addition to any penalty provided by the recognizance shall be liable to one year's imprisonment.

Procedure.

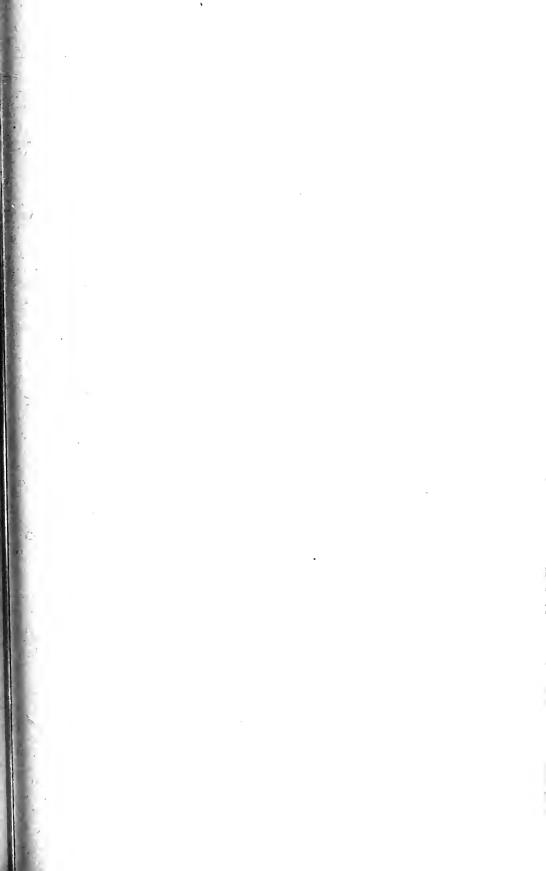
3. The practice and procedure of the Supreme Court shall apply to every application made under this Act.

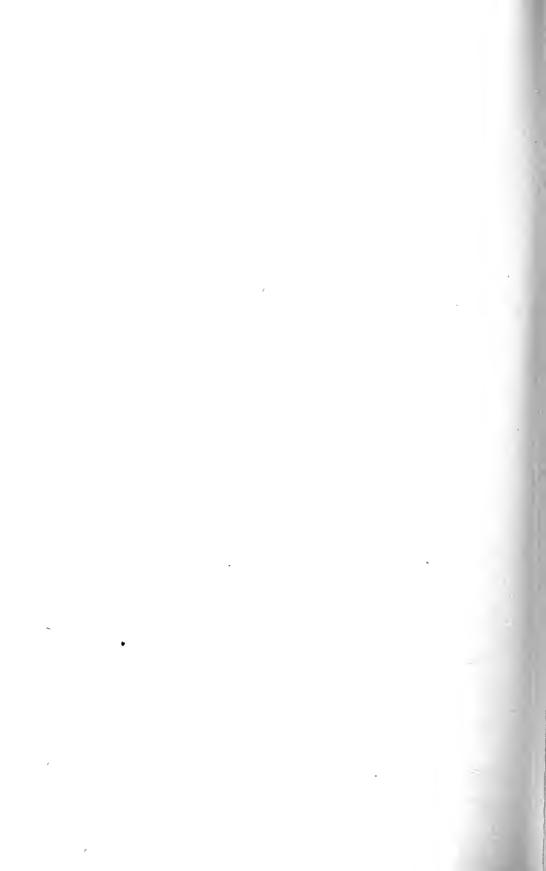
Commencement of Act.

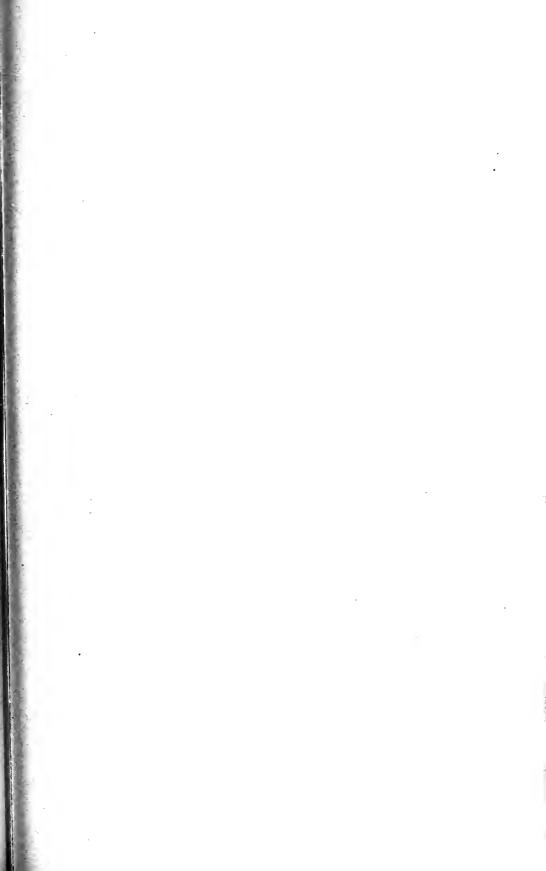
4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as The Business Records Protection Act, 1947.







An Act to prevent the Improper Removal of Business Records from Ontario.

1st Reading

October 27th, 1947

2nd Reading

October 28th, 1947

3rd Reading

· October 30th, 1947

Mr. Drew

BILL

An Act to amend The Mining Tax Act.

Mr. Frost

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The purpose of this Bill is to postpone until December 31st, 1947, the effective date of the amendments made to *The Mining Tax Act* last April. This is done so that the recent changes by the Dominion and the Province in the field of taxation of operating mines will be properly adjusted.

No. 158

BILL

An Act to amend The Mining Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 3 of *The Mining Tax Act*, as re-enacted by section Rev. Stat..

 1 of *The Mining Tax Amendment Act*, 1945, is repealed and (1945, 2nd the following substituted therefor:

 Sess., c. 5, s. 1), re-enacted.
 - The taxes imposed by this Act shall be deemed to Dates of accrue on the 31st day of December of the year payment. preceding the year in which they are payable and shall be payable to the Minister,—
 - (a) not later than the 15th day of March in each year in respect of the tax payable under section 4 as estimated on the returns required to be submitted by this Act; and
 - (b) not later than the 1st day of October in each year in respect of the tax payable under sections 14 and 26.
- 2. Subsection 5 of section 4 of *The Mining Tax Act* is Rev. Stat., amended by striking out all the words after the word "here-subs. 5, under" in the fifth line, so that the said subsection shall now read as follows:
 - (5) For the purpose of this section, unless a contrary Based on intention appears, the operations, business, matters, year, and things carried on, occurring or existing during the preceding year shall be taken as the basis of fixing, assessing, and ascertaining the taxation hereunder.
- 3. Subsection 1 of section 7 of *The Mining Tax Act*, as Rev. Stat., amended by subsection 1 of section 2 of *The Mining Tax* subs. 1, amendment Act, 1945, is further amended by striking out the figures and letters "31st" in the amendment of 1945 and

inserting in lieu thereof the figures and letters "15th", so that the first six lines of the said subsection shall now read as follows:

Statement to be furnished.

(1) Every person liable to pay the tax imposed by section 4 shall, without any notice or demand to that effect, in addition to any other statements which may otherwise be required, on or before the 15th day of March in every year, deliver to the Department of Mines a detailed statement in which shall be set forth,—

1947, c..., s. 4, repealed.

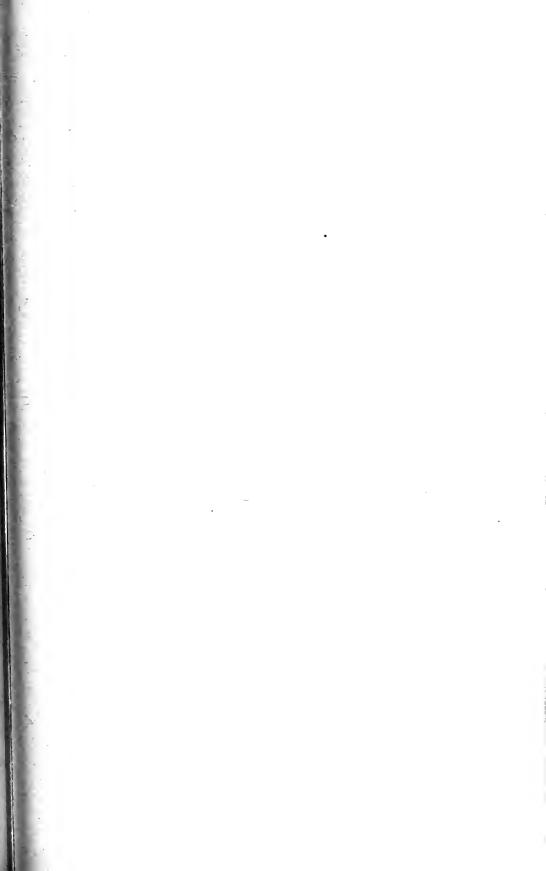
4.—(1) Notwithstanding the provisions of section 4 of *The Mining Tax Amendment Act*, 1947, the said section shall be deemed not to have come into force and the section is repealed.

Commencement of 1947,

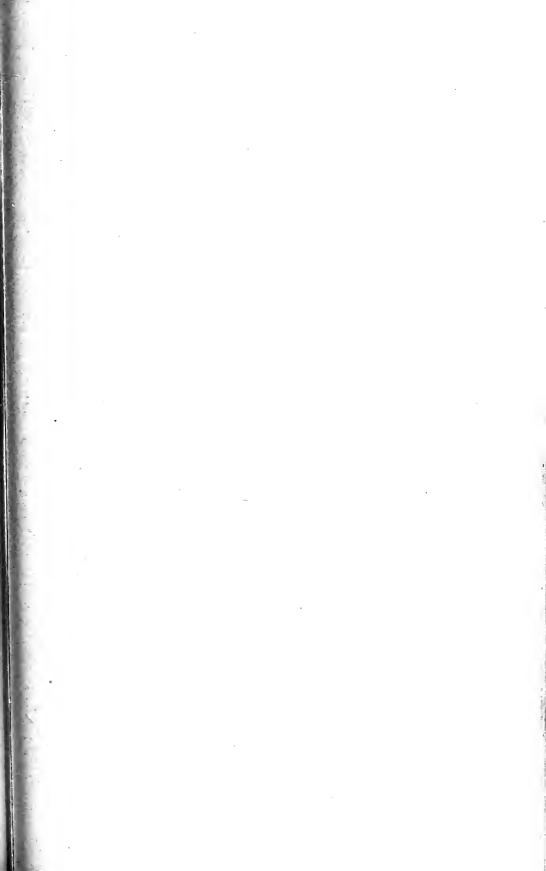
- (2) The Mining Tax Amendment Act, 1947, shall come into force and have effect on and after the 31st day of December, 1947.
- Commencement of Act. This Act shall come into force and have effect on and after the 31st day of December, 1947.

Short title.

6. This Act may be cited as The Mining Tax Amendment Act, 1947 (No. 2).







BILL

An Act to amend The Mining Tax Act

1st Reading October 27th, 1947

2nd Reading

3rd Reading

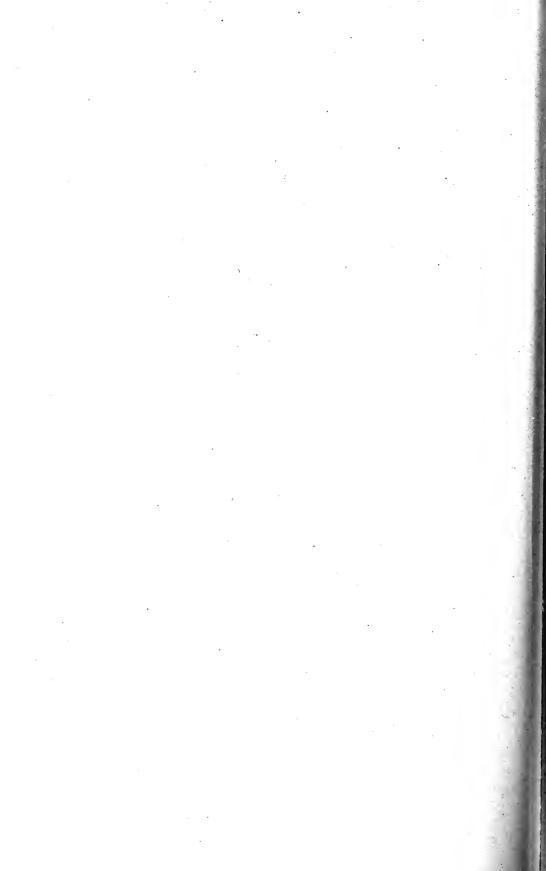
Mr. Frost

3RD SESSION, 22ND LEGISLATURE, ONTARIO 11 GEORGE VI, 1947

BILL

An Act to amend The Mining Tax Act.

MR. FROST



No. 158

1947

BILL

An Act to amend The Mining Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 3 of *The Mining Tax Act*, as re-enacted by section Rev. Stat..

 1 of *The Mining Tax Amendment Act*, 1945, is repealed and (1945, 2nd the following substituted therefor:

 8. 1), re-enacted.
 - 3. The taxes imposed by this Act shall be deemed to Dates of accrue on the 31st day of December of the year payment. preceding the year in which they are payable and shall be payable to the Minister,—
 - (a) not later than the 15th day of March in each year in respect of the tax payable under section 4 as estimated on the returns required to be submitted by this Act; and
 - (b) not later than the 1st day of October in each year in respect of the tax payable under sections 14 and 26.
- 2. Subsection 5 of section 4 of *The Mining Tax Act* is Rev. Stat., amended by striking out all the words after the word "here-subs. 5, amended" in the fifth line, so that the said subsection shall now read as follows:
 - (5) For the purpose of this section, unless a contrary Based on intention appears, the operations, business, matters, year, and things carried on, occurring or existing during the preceding year shall be taken as the basis of fixing, assessing, and ascertaining the taxation hereunder.
- 3. Subsection 1 of section 7 of *The Mining Tax Act*, as Rev. Stat., amended by subsection 1 of section 2 of *The Mining Tax* subs. 1, amendment Act, 1945, is further amended by striking out the figures and letters "31st" in the amendment of 1945 and

inserting in lieu thereof the figures and letters "15th", so that the first six lines of the said subsection shall now read as follows:

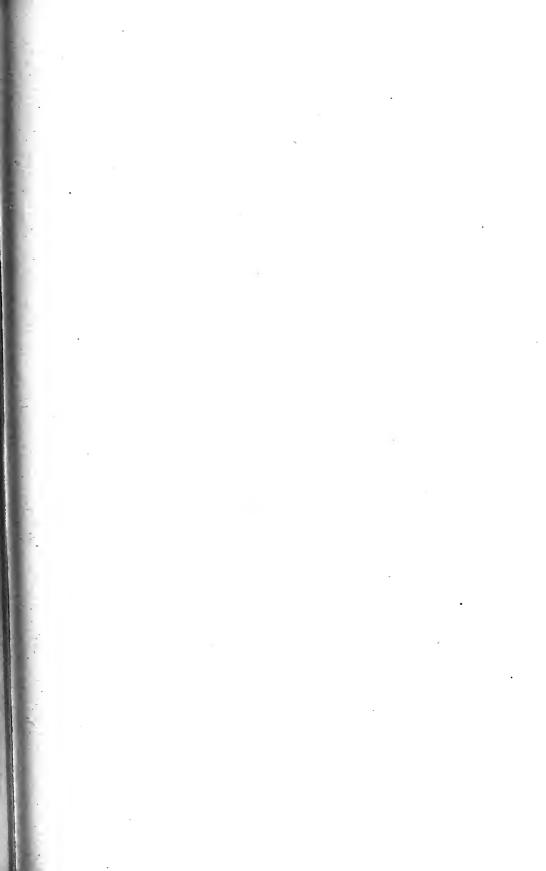
Statement to be furnished.

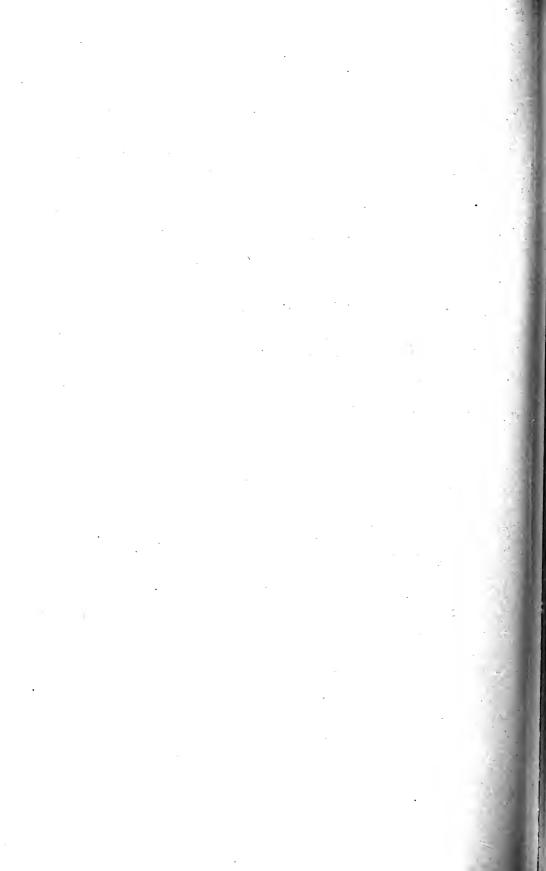
(1) Every person liable to pay the tax imposed by section 4 shall, without any notice or demand to that effect, in addition to any other statements which may otherwise be required, on or before the 15th day of March in every year, deliver to the Department of Mines a detailed statement in which shall be set forth,—

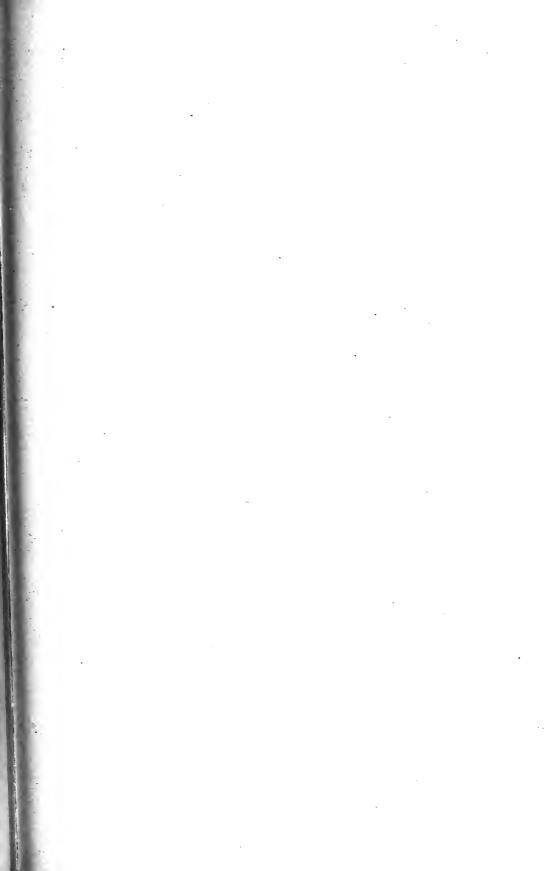
4.—(1) Notwithstanding the provisions of section 4 of The Mining Tax Amendment Act, 1947, the said section shall be deemed not to have come into force and the section is repealed.

- Commencement of 1947, c. 67. (2) The Mining Tax Amendment Act, 1947, shall come into force and have effect on and after the 31st day of December, 1947.
- Commencement of Act. 5. This Act shall come into force and have effect on and after the 31st day of December, 1947.

Short title. 6. This Act may be cited as The Mining Tax Amendment Act, 1947 (No. 2).







BILL

An Act to amend The Mining Tax Act

1st Reading

October 27th, 1947

2nd Reading October 28th, 1947

3rd Reading

October 30th, 1947

Mr. Frost

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Registry Act.

Mr. Blackwell

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

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F Y	
EXPLANATORY NOTES	
Section 1. This amendment exempts leases from the Crown from the requirement of an affidavit of execution for registration.	om

Section 3—Subsection 1. The fee payable to a registrar for entries and certificates in registering an instrument is raised from 40 cents to 50 cents.

No. 159

1947

BILL

An Act to amend The Registry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 1 of section 33 of *The Registry Act* is amended Rev. Stat., by inserting after the word "grant" in the first line the words subs. 1, "or lease", so that the said subsection, exclusive of the clauses, shall now read as follows:
 - (1) An instrument other than a will, grant or lease Proof for from the Crown, Order-in-Council, by-law or other instrument under the seal of any corporation, certificate of judicial proceedings or an instrument which may be registered by deposit of a certified copy shall not be registered unless accompanied by an affidavit (Form 5) of a subscribing witness, not being a party to the instrument, as to the execution of the instrument by each party who appears to have executed the same, setting forth the name, place of residence, addition, occupation or calling of the witness, and deposing to,—
- 2. Subsection 4 of section 47 of *The Registry Act* is amended Rev. Stat., by striking out the words "twenty-five cents" in the third line subs. 4, and inserting in lieu thereof the words "one dollar", so that the said subsection shall now read as follows:
 - (4) Where the mortgage embraces two or more parcels Fee on registration of land situate in different municipalities in the same of mortgage registry division there shall be paid a further fee of tered in full. one dollar for each municipality after the first.
- **3.**—(1) Clause a of section 95 of *The Registry Act* is amend-Rev. Stat., ed by striking out the figures "40" in the fifth line and insert-cl. a, ing in lieu thereof the figures "50", so that the said clause shall now read as follows:
 - (a) For the necessary εntries and certificates in register-For registing every instrument, other than those hereinafter general.

specially provided for, including among such certificates the certificate on the duplicate, if any, 50 cents.

Rev. Stat., c. 170, s. 95, cl. b, amended. (2) Clause *b* of the said section 95 is amended by striking out the symbol and figures "\$2.10" in the first line and inserting in lieu thereof the symbol and figures "\$2.50", and by striking out all the words after the figure "4" in the twenty-sixth line, so that the said clause shall now read as follows:

Fees for registering and copying.

- (b) For registering every such instrument, \$2.50;
- If the instrument exceeds 700 words, at the rate of •15 cents for each additional 100 words or fractional part thereof up to 1,400 words, and at the rate of 10 cents for each additional 100 words or fractional part thereof over 1,400 words;
- If the instrument embraces lots or parcels of land, situate in different municipalities in the same registry division, the registration and copying of such instrument, together with all necessary entries and certificates in connection therewith, shall be considered separate and distinct registrations for each municipality in which the land is situate, and shall be paid for as follows,
- Where the aggregate copying does not exceed 700 words, \$2; where it exceeds 700 words, 15 cents for every 100 words or fractional part thereof up to 1,400 words, in addition to the sum of \$2;
- Where it exceeds 1,400 words, the sum of 10 cents for every 100 words or fractional part thereof in addition to the above charges; the fees shall include all certificates and necessary entries, but if the instrument embraces more than 4 different lots or parcels of land in the same municipality, the registrar shall be allowed a fee of 5 cents for entering each lot or parcel in excess of 4.

Rev. Stat., c. 170, s. 95, (3) Clause f of the said section 95 is repealed and the foloil f, re-enacted. lowing substituted therefor:

Abstracts of title.

- (f) For an abstract of title to any specific parcel of 'and containing such particulars as to any number of registered instruments affecting such parcel as the applicant may require,
 - (i) 50 cents for a search of one lot,

Subsection 2. The fee payable to a registrar for registering an instrument is raised from \$2.10 to \$2.50. The present section allows a fee of 5 cents for entering each lot or parcel in excess of 4 up to 100 entries, and an additional fee of 2 cents for each lot or parcel in excess of 100. This amendment provides a general fee of 5 cents for entering each lot or parcel in excess of 4.

Subsection 3. The fees payable to a registrar for an abstract of title are increased by this amendment. A minimum charge of \$2.00 including the fee for a search and certificate is provided for. The former initial fee of 25 cents is increased to 50 cents. Fees are provided for inspection of instruments, and the folio fees are raised from 15 cents per hundred words to 20 cents. The fees for copies of instruments are raised from 10 cents per hundred words to 15 cents. The additional fee for a search of each lot in excess of one abstracted where there are identical entries is increased from 25 cents to 50 cents.

Section 4. This amendment increases the fee payable to a registrar for furnishing a municipality with a list of all conveyances of land in the municipality registered during the previous year from 5 cents per instrument to 10 cents.

- (ii) for each instrument up to 50 which requires inspection, 10 cents.
- (iii) for each instrument in excess of 50 which requires inspection, 5 cents,
- (iv) when the abstract exceeds 100 words, 20 cents for each additional 100 words or part thereof, and
- (v) for copies of instruments when required, 15 cents for each 100 words or part thereof;

The minimum fee for an abstract of title, including the fee for search and certificate, shall be \$2.00;

Where there are two or more lots for which abstracts are required and the entries on such lots are identical, the registrar shall not be entitled to make an abstract for each lot separately, but the abstracts of title of such lots shall be included in one abstract, and the fees therefor shall be the same as if the abstract applied to one lot only, except that the registrar shall be entitled in addition thereto to a fee of 50 cents for a search on each lot after the first lot and for the first lot he shall be entitled to the same fees as are payable in respect of one lot:

Where there are two or more lots for which abstracts are required and the entries on such lots are partly identical, the registrar shall make a full abstract for one of the lots and enter in the same all the lots to which each instrument refers, and in the abstract of the other lots he shall only include entries affecting those lots separately.

4. Section 104 of *The Registry Act* is amended by striking Rev. Stat., out the figure "5" in the twelfth line and inserting in lieu s. 104, thereof the figures "10", so that the said section shall now amended. read as follows:

104. The registrar shall, upon request of the council of a Registrar municipality, furnish to the clerk, or to the assess-clerk or assessment ment commissioner, or assessor of the municipality, commissioner with a list of all conveyances whereby land has been list of conveyances. transferred, which have been registered in his office upon during the next preceding year or any part thereof. request. and in such list shall include the names of the grantor, the grantee or mortgagee, and place of residence of each, the consideration shown in each instrument and a short but definite description of

the land conveyed or mortgaged, but shall not include leases for less than twenty-one years, and the registrar shall be entitled therefor to a fee of 10 cents for every instrument included in the list.

Rev. Stat., c. 170, Form 13, re-enacted.

5. Form 13 to *The Registry Act* is repealed and the following substituted therefor:

FORM 13.

(Section 83(8)).

THE REGISTRY ACT

CERTIFICATE OF AN ONTARIO LAND SURVEYOR.

- I, (name in full), an Ontario Land Surveyor, certify that,-
 - (a) I was present at and did personally superintend the survey represented by this plan;
 - (b) this plan accurately shows the manner in which the lands (edged in red) have been surveyed and subdivided by me;
 - (c) every angle of the exterior boundary of the plan is defined in the survey thereof by a monument and a monument is placed at one angle of each street intersection shown on the plan;
 - (d) I have indicated on the plan the position and form of each of the monuments;
 - (e) the monuments conform in all respects to requirements of section 13 of The Surveys Act;
 - (f) the survey was made by me between the and the day of and;
 - (g) the survey has been accurately made in accordance with all the provisions of *The Surveys Act* and *The Registry Act* relating thereto.

Dated at

the

day of

, 19 .

A.B., Ontario Land Surveyor.

Short title.

6. This Act may be cited as The Registry Amendment Act, 1947.

Section 5. This amendment broadens the terms of the certificate to be given by a surveyor upon preparation of a subdivision plan. The repealed form reads as follows:

FORM 13.

(Section 83 (8)).

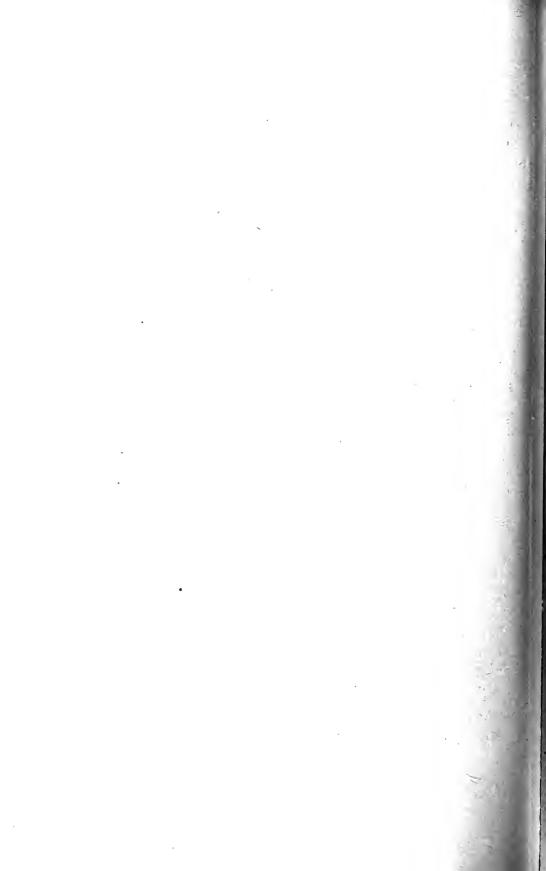
SURVEYOR'S CERTIFICATE OF PLAN.

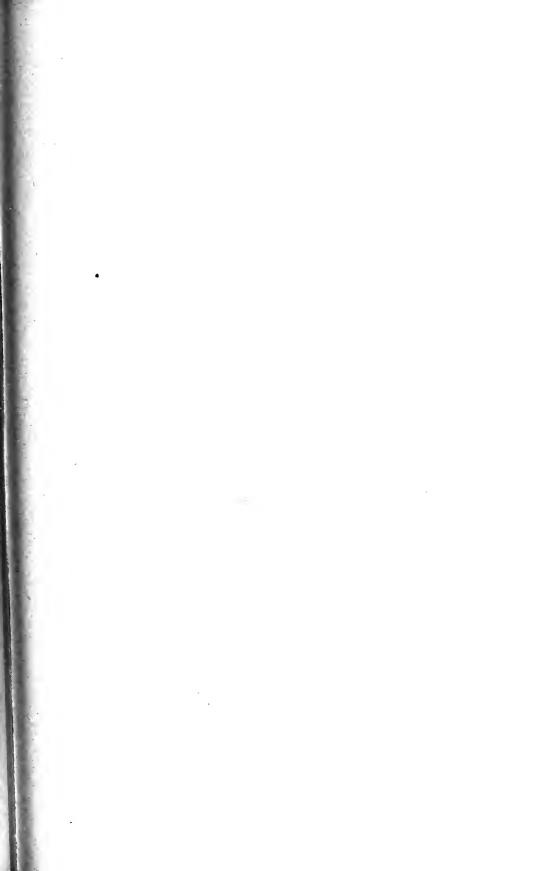
I hereby certify that this plan accurately shows the manner in which the land included therein has been surveyed and subdivided by me; and that the said plan is prepared in accordance with the provisions of *The Registry Act*.

Dated

19

A.B., Ontario Land Surveyor.





BILL

An Act to amend the Registry Act.

1st Reading October 27th, 1947

2nd Reading

3rd Reading

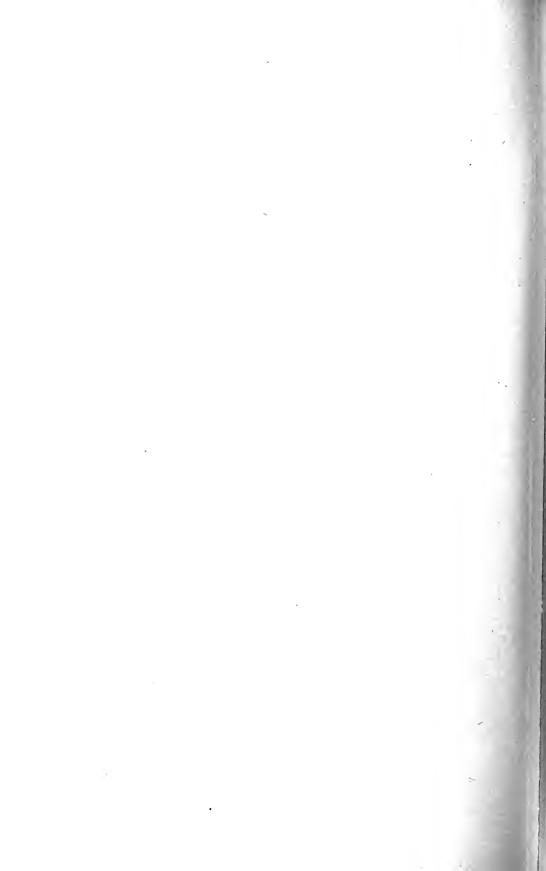
Mr. Blackwell

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Registry Act.

Mr. Blackwell



No. 159

1947

BILL

An Act to amend The Registry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 1 of section 33 of *The Registry Act* is amended Rev. Stat., by inserting after the word "grant" in the first line the words subs. 1, "or lease", so that the said subsection, exclusive of the clauses, shall now read as follows:
 - (1) An instrument other than a will, grant or lease Proof for from the Crown, Order-in-Council, by-law or other instrument under the seal of any corporation, certificate of judicial proceedings or an instrument which may be registered by deposit of a certified copy shall not be registered unless accompanied by an affidavit (Form 5) of a subscribing witness, not being a party to the instrument, as to the execution of the instrument by each party who appears to have executed the same, setting forth the name, place of residence, addition, occupation or calling of the witness, and deposing to,—
- 2. Subsection 4 of section 47 of *The Registry Act* is amended Rev. Stat.. by striking out the words "twenty-five cents" in the third line subs. 4, and inserting in lieu thereof the words "one dollar", so that the said subsection shall now read as follows:
 - (4) Where the mortgage embraces two or more parcels Fee on registration of land situate in different municipalities in the same of mortgage registry division there shall be paid a further fee of tered in full. one dollar for each municipality after the first.
- 3.—(1) Clause a of section 95 of The Registry Act is amend-Rev. Stat., ed by striking out the figures "40" in the fifth line and insert-cl. a, ing in lieu thereof the figures "50", so that the said clause amended. shall now read as follows:
 - (a) For the necessary entries and certificates in register-For registrations ing every instrument, other than those hereinafter general.

specially provided for, including among such certificates the certificate on the duplicate, if any, 50 cents.

Rev. Stat., c. 170, s. 95, cl. b, amended. (2) Clause b of the said section 95 is amended by striking out the symbol and figures "\$2.10" in the first line and inserting in lieu thereof the symbol and figures "\$2.50", and by striking out all the words after the figure "4" in the twenty-sixth line, so that the said clause shall now read as follows:

Fees for registering and copying.

- (b) For registering every such instrument, \$2.50;
- If the instrument exceeds 700 words, at the rate of 15 cents for each additional 100 words or fractional part thereof up to 1,400 words, and at the rate of 10 cents for each additional 100 words or fractional part thereof over 1,400 words;
- If the instrument embraces lots or parcels of land, situate in different municipalities in the same registry division, the registration and copying of such instrument, together with all necessary entries and certificates in connection therewith, shall be considered separate and distinct registrations for each municipality in which the land is situate, and shall be paid for as follows,
- Where the aggregate copying does not exceed 700 words, \$2; where it exceeds 700 words, 15 cents for every 100 words or fractional part thereof up to 1,400 words, in addition to the sum of \$2;
- Where it exceeds 1,400 words, the sum of 10 cents for every 100 words or fractional part thereof in addition to the above charges; the fees shall include all certificates and necessary entries, but if the instrument embraces more than 4 different lots or parcels of land in the same municipality, the registrar shall be allowed a fee of 5 cents for entering each lot or parcel in excess of 4.

Rev. Stat., c. 170, s. 95, cl. f, clause f of the said section 95 is repealed and the fol-element of the said section 95 is repealed and the following substituted therefor:

Abstracts of title.

- (f) For an abstract of title to any specific parcel of land containing such particulars as to any number of registered instruments affecting such parcel as the applicant may require,
 - (i) 50 cents for a search of one lot,

- (ii) for each instrument up to 50 which requires inspection, 10 cents,
- (iii) for each instrument in excess of 50 which requires inspection, 5 cents,
- (iv) when the abstract exceeds 100 words, 20 cents for each additional 100 words or part thereof, and
- (v) for copies of instruments when required, 15 cents for each 100 words or part thereof;

The minimum fee for an abstract of title, including the fee for search and certificate, shall be \$2.00;

Where there are two or more lots for which abstracts are required and the entries on such lots are identical, the registrar shall not be entitled to make an abstract for each lot separately, but the abstracts of title of such lots shall be included in one abstract. and the fees therefor shall be the same as if the abstract applied to one lot only, except that the registrar shall be entitled in addition thereto to a fee of 50 cents for a search on each lot after the first lot and for the first lot he shall be entitled to the same fees as are payable in respect of one lot;

Where there are two or more lots for which abstracts are required and the entries on such lots are partly identical, the registrar shall make a full abstract for one of the lots and enter in the same all the lots to which each instrument refers, and in the abstract of the other lots he shall only include entries affecting those lots separately.

- **4.** Section 104 of *The Registry Act* is amended by striking Rev. Stat., out the figure "5" in the twelfth line and inserting in lieu s. 104. thereof the figures "10", so that the said section shall now amended. read as follows:
 - 104. The registrar shall, upon request of the council of a Registrar to furnish municipality, furnish to the clerk, or to the assess-clerk or assessment ment commissioner, or assessor of the municipality, commissioner with a list of all conveyances whereby land has been list of conveyances. transferred, which have been registered in his office upon during the next preceding year or any part thereof, request. and in such list shall include the names of the grantor, the grantee or mortgagee, and place of residence of each, the consideration shown in each instrument and a short but definite description of

the land conveyed or mortgaged, but shall not include leases for less than twenty-one years, and the registrar shall be entitled therefor to a fee of 10 cents for every instrument included in the list.

Rev. Stat., c. 170, Form 13, re-enacted.

5. Form 13 to *The Registry Act* is repealed and the following substituted therefor:

FORM 13.

(Section 83 (8)).

THE REGISTRY ACT

CERTIFICATE OF AN ONTARIO LAND SURVEYOR.

- I, (name in full), an Ontario Land Surveyor, certify that,-
 - (a) I was present at and did personally superintend the survey represented by this plan;
 - (b) this plan accurately shows the manner in which the lands (edged in red) have been surveyed and subdivided by me;
 - (c) every angle of the exterior boundary of the plan is defined in the survey thereof by a monument and a monument is placed at one angle of each street intersection shown on the plan;
 - (d) I have indicated on the plan the position and form of each of the monuments:
 - (e) the monuments conform in all respects to requirements of section 13 of The Surveys Act;
 - (f) the survey was made by me between the and the day of and :;
 - (g) the survey has been accurately made in accordance with all the provisions of *The Surveys Act* and *The Registry Act* relating thereto.

Dated at

the

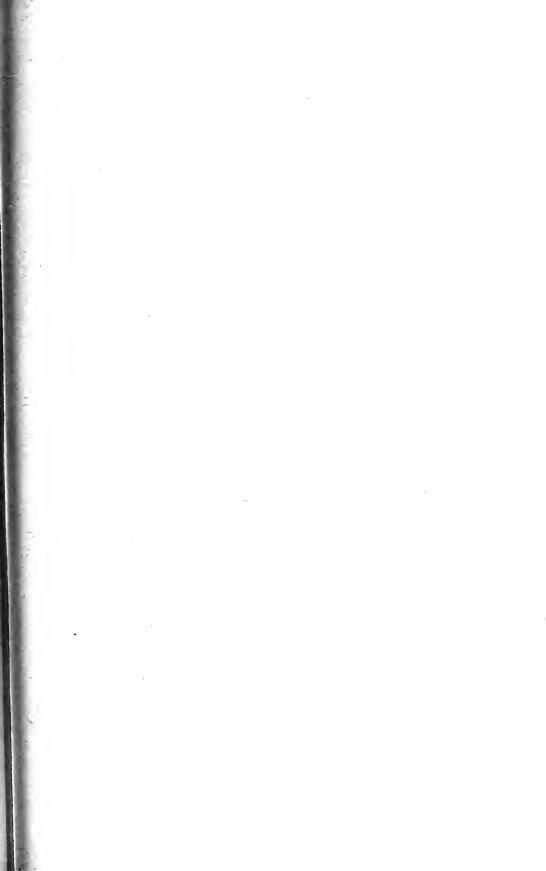
day of

, 19

A.B., Ontario Land Surveyor.

Short title.

6. This Act may be cited as The Registry Amendment Act, 1947.



An Act to amend the Registry Act.

1st Reading

October 27th, 1947

October 29th, 1947 2nd Reading

October 30th, 1947 3rd Reading

Mr. Blackwell

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Surrogate Courts Act.

Mr. Blackwell

EXPLANATORY NOTES

Section 1. Under the Act at present where a claim is within the jurisdiction of the division court, application for the order shall be made to the division court. Subsection 3 of section 65, as re-enacted by this Bill, clarifies the right of the claimant to apply as well to the division court judge for an extension of time for making application for the order.

Section 2. The purpose of the addition of subsections 2a, 7 and 8 is to give the same protection as is given in section 65 to the Official Guardian where infants are concerned, and to other persons beneficially interested, in cases under section 65a.

No. 160 1947

BILL

An Act to amend The Surrogate Courts Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 3 of section 65 of *The Surrogate Courts Act* Rev. Stat., is repealed and the following substituted therefor:

 subs. 3, reenacted.
 - (3) Where the claim is within the jurisdiction of the Claim within division court, an application for the extension of time of division referred to in subsection 2 and the application for the order shall be made to a judge of a division court in which an action for the recovery of the claim might be brought, and the application for the order shall be heard by the judge at the sittings of such court, but where the claimant and the personal representative consent, the applications may be made to the judge of the surrogate court.

2. Section 65a of The Surrogate Courts Act, as enacted by c. 106, s. 65a section 12 of The Surrogate Courts Amendment Act, 1946, is (1946, s. 1946, amended by adding thereto the following subsections:

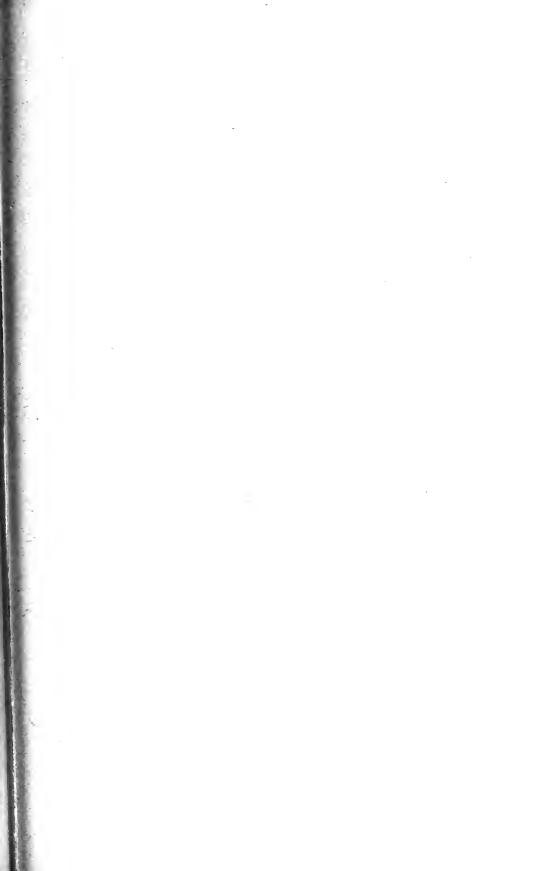
- (2a) Not less than seven days' notice of the application Notice in shall be given to the personal representative and to the Official Guardian if infants are concerned, and to such, if any, of the persons beneficially interested in the estate as the judge may direct.
- (7) If the personal representative does not appeal from Right of persons an order made under subsection 2 or 3, the Official interested to appeal. Guardian or any person beneficially interested in the estate may, by leave of a judge of the Supreme Court, appeal therefrom.
- (8) Where the claimant or the personal representative Right of persons appeals from an order made under subsection 2 or 3, interested to be heard on appeal

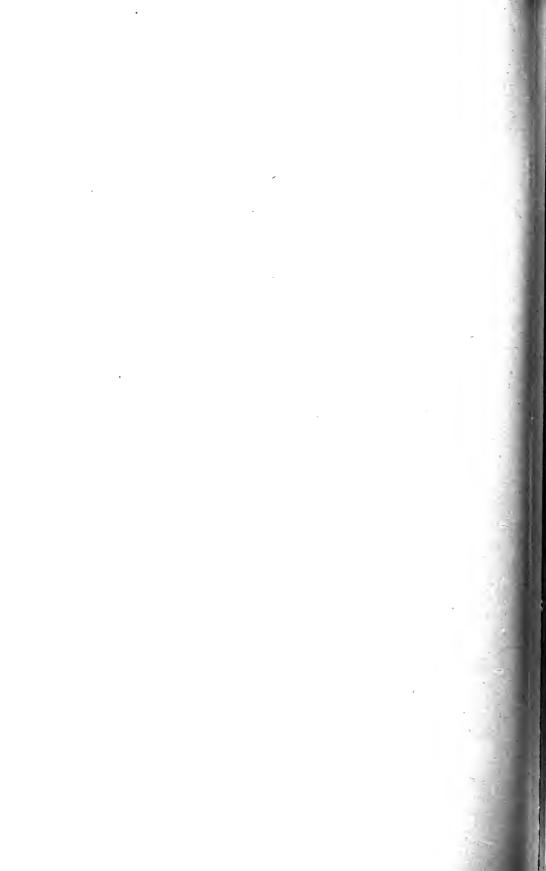
the Official Guardian and any person beneficially interested in the estate may, by leave of the court which hears the appeal, appear and be heard.

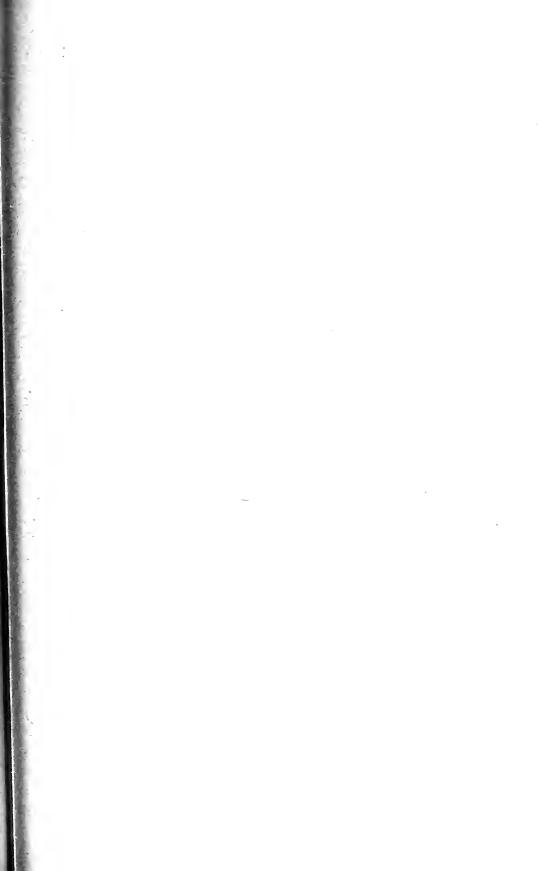
Commencement of Act.

This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. 4. This Act may be cited as The Surrogate Courts Amendment Act, 1947.







BILL

An Act to amend The Surrogate Courts Act.

1st Reading

October 27th, 1947

2nd Reading

3rd Reading

3rd Session, 22nd Legislature, Ontario 11 GEORGE VI, 1947

BILL

An Act to amend The Surrogate Courts Act.

Mr. Blackwell

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 160

BILL

An Act to amend The Surrogate Courts Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 3 of section 65 of *The Surrogate Courts Act* Rev. Stat., is repealed and the following substituted therefor:

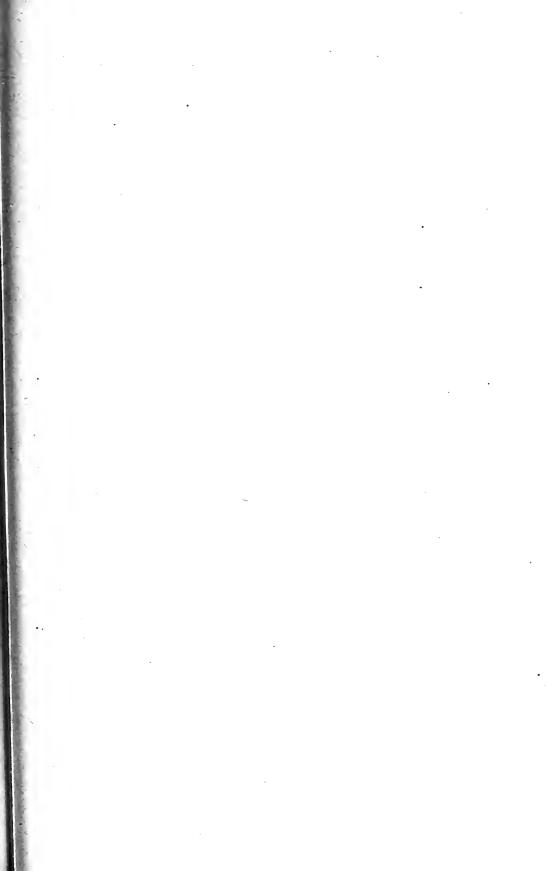
 subs. 3, reenacted.
 - (3) Where the claim is within the jurisdiction of the Claim within division court, an application for the extension of time of division referred to in subsection 2 and the application for court the order shall be made to a judge of a division court in which an action for the recovery of the claim might be brought, and the application for the order shall be heard by the judge at the sittings of such court, but where the claimant and the personal representative consent, the applications may be made to the judge of the surrogate court.
- 2. Section 65a of The Surrogate Courts Act, as enacted by c. 106, s. 65a section 12 of The Surrogate Courts Amendment Act, 1946, is c. 93, s. 12), amended by adding thereto the following subsections:
 - (2a) Not less than seven days' notice of the application Notice in shall be given to the personal representative and to the Official Guardian if infants are concerned, and to such, if any, of the persons beneficially interested in the estate as the judge may direct.
 - (7) If the personal representative does not appeal from Right of persons an order made under subsection 2 or 3, the Official interested to appeal. Guardian or any person beneficially interested in the estate may, by leave of a judge of the Supreme Court, appeal therefrom.
 - (8) Where the claimant or the personal representative Right of persons appeals from an order made under subsection 2 or 3, interested to be heard on appeal.

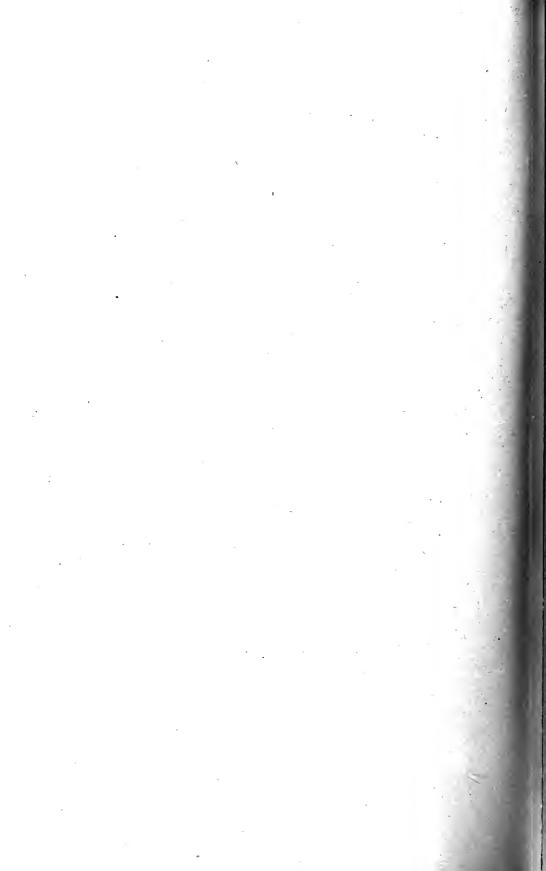
the Official Guardian and any person beneficially interested in the estate may, by leave of the court which hears the appeal, appear and be heard.

Commencement of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. 4. This Act may be cited as The Surrogate Courts Amendment Act, 1947.







BILL

An Act to amend The Surrogate Courts Act.

1st Reading October 27th, 1947

2nd Reading

October 29th, 1947

3rd Reading October 30th, 1947

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Crown Attorneys Act.

EXPLANATORY NOTE

SECTION 1—Subsection 1. The repealed provision reads:

(1) For services in the county or district court judges' criminal court the Crown attorney shall be entitled to the same fees as for like services in the court of general sessions of the peace.

In view of the tariff of fees which appears as a schedule to *The Administration of Justice Expenses Act*, the repealed provision is no longer accurate or necessary.

Subsection 2. The fee provided for in subsection 2 of section 10 is raised from \$15 to \$25 to bring it into line with other comparable fees.

No. 161

1947

BILL

An Act to amend The Crown Attorneys Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 10 of *The Crown Attorneys* Rev. Stat., Act is repealed.
- (2) Subsection 2 of the said section 10 is amended by Rev. Stat., striking out the symbol and figures "\$15" in the third line subs. 2, and inserting in lieu thereof the symbol and figures "\$25", so that the said subsection shall now read as follows:
 - (2) For attendance on appeals from the decision of magis- Fee or trates under Dominion or Provincial statutes the attorney on Crown attorney shall be entitled to a fee of \$25 and actual travelling expenses, to be paid by the county or in the case of a district, by the province.
- 2. This Act shall come into force on the day upon which Commenceit receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of October, 1947.
- 3. This Act may be cited as The Crown Attorneys Amend-Short title. ment Act, 1947.

An Act to amend The Crown Attorneys
Act.

1st Reading

October 27th, 1947

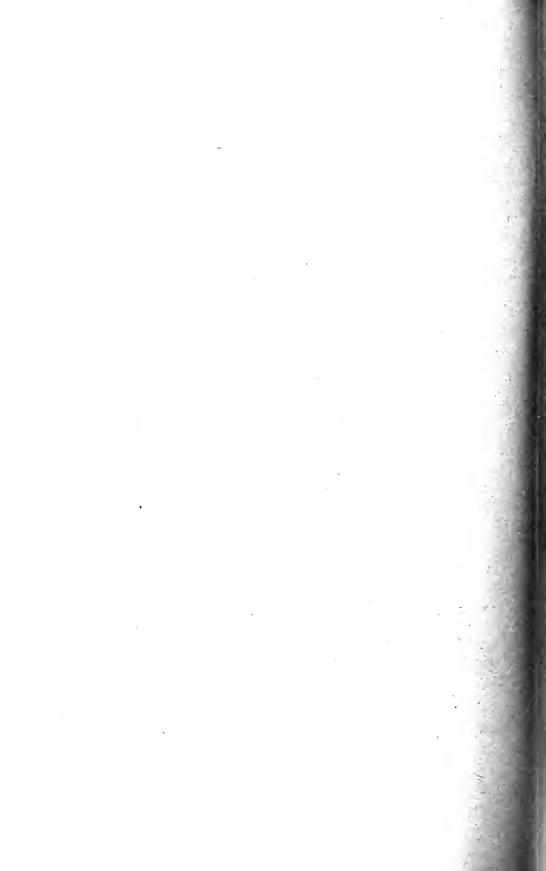
2nd Reading

3rd Reading

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Crown Attorneys Act.



No. 161

1947

BILL

An Act to amend The Crown Attorneys Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 10 of The Crown Attorneys Rev. Stat., Act is repealed.

Subs. 1, repealed.

(2) Subsection 2 of the said section 10 is amended by Rev. Stat., striking out the symbol and figures "\$15" in the third line subs. 2, and inserting in lieu thereof the symbol and figures "\$25", so that the said subsection shall now read as follows:

(2) For attendance on appeals from the decision of magis- Fee of trates under Dominion or Provincial statutes the attorney on Crown attorney shall be entitled to a fee of \$25 and actual travelling expenses, to be paid by the county or in the case of a district, by the province.

2. This Act shall come into force on the day upon which Commenceit receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of October, 1947.

3. This Act may be cited as The Crown Attorneys Amend-Short title. ment Act, 1947.

BILL

An Act to amend The Crown Attorneys

1st Reading October 27th, 1947

2nd Reading

October 29th, 1947

3rd Reading

October 30th, 1947

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Juvenile and Family Courts Act.

MR.-BLACKWELL

Explanatory Notes
SECTION 1. UThis amendment is complementary to the amendment enacted in subsection 1 of section 2 of the Bill.
SECTION 2—Subsection 1 #IProvision is made for the appointment of
Section 2—Subsection 1. Provision is made for the appointment of more than one deputy judge of a juvenile court. Formerly provision was made for only one deputy judge.
Subsection 2. This amendment is complementary to the amendment made in subsection 1 of section 2 of the Bill.

No. 162 1947

BILL

An Act to amend The Juvenile and Family Courts Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 1 of section 2 of *The Juvenile and Family* Rev. Stat., *Courts Act* is amended by inserting after the word "or" in subs. 1, the third line the article "a" and by striking out the words amended. "deputy judge" where they occur in the ninth and tenth lines respectively and inserting in lieu thereof the words "deputy judges", so that the said subsection shall now read as follows:
 - (1) When under the provisions of *The Magistrates' Juris*-juvenile diction Act or of any other general or special Act of court becomes Ontario, jurisdiction is conferred upon the judge or a family court. deputy judge of a juvenile court established under Rev. Stat., this Act to conduct inquiries or hear, try, determine or dispose of matters in addition to those in respect of which jurisdiction is conferred by this Act, such juvenile court shall be known as the "family court" of the municipality or area for which it is established, and the judge, deputy judges, officers and staff of such juvenile court shall be the judge, deputy judges, officers and staff of the family court.
- **2.**—(1) Subsection 2 of section 3 of *The Juvenile and* $^{\text{Rev. Stat.}}_{\text{c. 316, s. 3}}$. *Family Courts Act* is repealed and the following substituted $^{\text{subs. 2}}_{\text{re-enacted.}}$ therefor:
 - (2) The Lieutenant-Governor in Council may appoint Deputy one or more deputy judges of the juvenile court each appoint of whom shall act as judge of the court and shall perform such duties as may be assigned to him by the Attorney-General.
- (2) Subsection 3 of the said section 3 is amended by Rev. Stat.. striking out the article "the" where it occurs the first time in subs. 3. the second line and inserting in lieu thereof the article "a", amended. so that the said subsection shall now read as follows:

In case of absence of judge or deputy,—who may act.

(3) In case of the absence or illness of the judge or of a deputy judge and on the written request and with the written approval of the Attorney-General, any other person may act as judge of the juvenile court.

Rev. Stat., c. 316, s. 15, subs. 1, amended.

3.—(1) Subsection 1 of section 15 of *The Juvenile and Family Courts Act* is amended by inserting after the word "judge" where it occurs in the third and fifth lines respectively the words "deputy judges", so that the said subsection shall now read as follows:

Corporation to provide accommodation and salaries. (1) The corporation of any city, town or county in which a juvenile court is established shall provide a suitable court room and offices for the judge, deputy judges, clerk, probation officers and other officers of the court and shall make proper provision for the salaries of the judge, deputy judges, clerk, probation officers and other officers of the court and for the general expenses of the court.

Rev. Stat., c. 316, s. 15, subs. 2, amended.

(2) Subsection 2 of the said section 15 is amended by striking out the word "salary" n the first line and inserting in lieu thereof the word "salaries", by inserting after the word "judge" in the second line the words "and deputy judges" and by striking out the symbol and figures "\$50,000" in the thirteenth line and inserting in lieu thereof the symbol and figures "\$100,000", so that the said subsection shall now read as follows:

Salaries of judges and amount of expenses.

Proviso.

(2) The Lieutenant-Governor in Council may fix the salaries to be paid to the judge and deputy judges and the amount to be appropriated for other salaries and for the expenses of the court, and such salaries and expenses shall be paid by the city, town or county at the time and in the manner set forth in such Order-in-Council, provided that where fixed by the Lieutenant-Governor in Council the total amount so directed to be paid for the expenses of the court, including salaries, but exclusive of the cost of providing court room and offices and detention home, shall fall within the following limits:

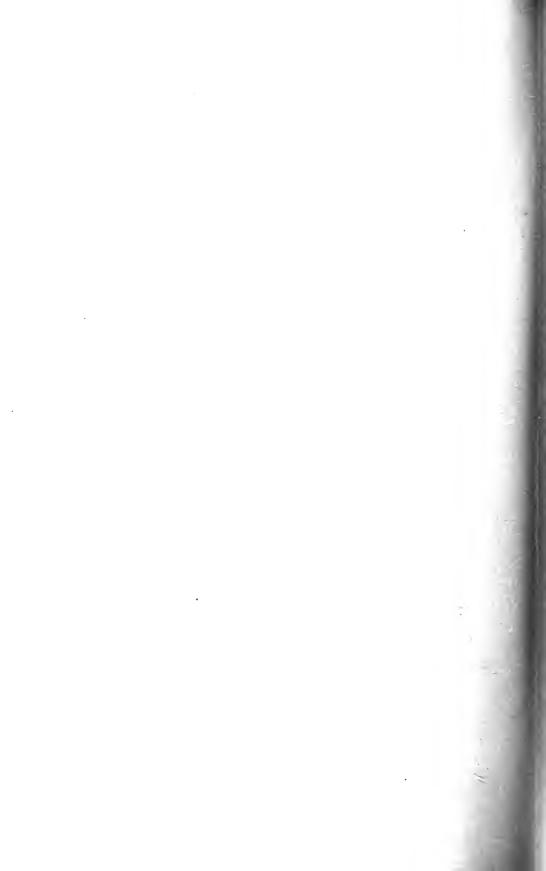
Where the district covered by the court has,—

Limit of expenses of court.

- (a) a population of more than 200,000, not more than \$100,000;
- (b) a population of more than 75,000, but less than 200,000, not more than \$25,000;
- (c) a population of more than 25,000, but less than 75,000, not more than \$15,000;

Section 3—Subsection 1. This amendment is complementary to the amendment made in subsection 1 of section 2 of the Bill.

Subsection 2. The first two amendments are complementary to the amendment made in subsection 1 of section 2 of the Bill. The maximum amount which may be fixed for the expenses of the juvenile court where the district covered by the court has a population of more than 200,000 is increased from \$50,000 to \$100,000.



- (d) a population less than 25,000, not more than \$8,000.
- 4. This Act shall come into force on the day upon which Commenceit receives the Royal Assent.
- 5. This Act may be cited as The Juvenile and Family Courts Short title. Amendment Act, 1947.

BILL

An Act to amend The Juvenile and Family Courts Act.

1st Reading October 27th, 1947

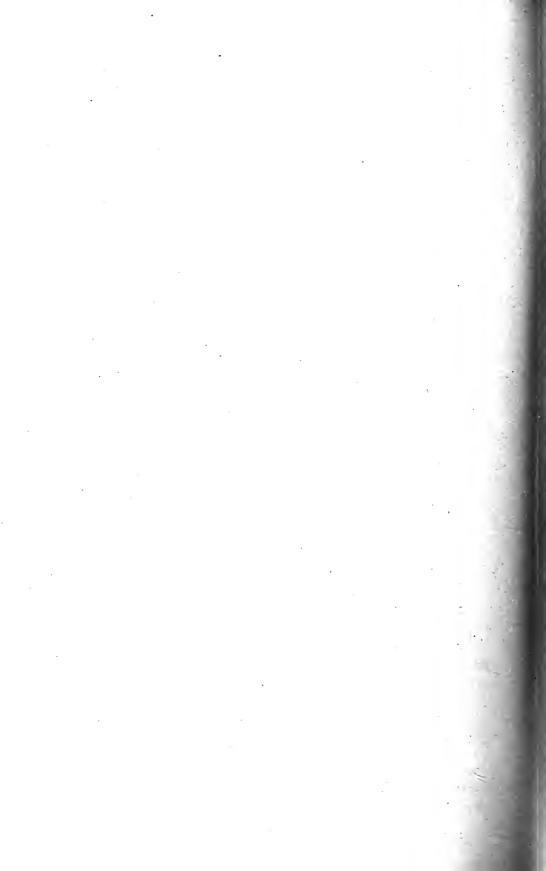
2nd Reading

3rd Reading

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Juvenile and Family Courts Act.



No. 162 1947

BILL

An Act to amend The Juvenile and Family Courts
Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Juvenile and Family* Rev. Stat., *Courts Act* is amended by inserting after the word "or" in c. 316, s. 2, the third line the article "a" and by striking out the words amended. "deputy judge" where they occur in the ninth and tenth lines respectively and inserting in lieu thereof the words "deputy judges", so that the said subsection shall now read as follows:

- (1) When under the provisions of *The Magistrates' Juris* When diction Act or of any other general or special Act of court becomes Ontario, jurisdiction is conferred upon the judge or a family court. deputy judge of a juvenile court established under Rev. Stat., this Act to conduct inquiries or hear, try, determine or dispose of matters in addition to those in respect of which jurisdiction is conferred by this Act, such juvenile court shall be known as the "family court" of the municipality or area for which it is established, and the judge, deputy judges, officers and staff of such juvenile court shall be the judge, deputy judges, officers and staff of the family court.
- **2.**—(1) Subsection 2 of section 3 of *The Juvenile and* $_{c.\ 316,\ s.\ 3.}^{Rev.\ Stat.}$, *Family Courts Act* is repealed and the following substituted $_{c.\ re-enacted.}^{subs.\ 2.}$ re-enacted. therefor:
 - (2) The Lieutenant-Governor in Council may appoint Deputy judges, one or more deputy judges of the juvenile court each appoint of whom shall act as judge of the court and shall perform such duties as may be assigned to him by the Attorney-General.
- (2) Subsection 3 of the said section 3 is amended by Rev. Stat., striking out the article "the" where it occurs the first time in subs. 3. the second line and inserting in lieu thereof the article "a", amended. so that the said subsection shall now read as follows:

In case of absence of judge or deputy,—who may act.

(3) In case of the absence or illness of the judge or of a deputy judge and on the written request and with the written approval of the Attorney-General, any other person may act as judge of the juvenile court.

Rev. Stat., c. 316, s. 15, subs. 1, amended.

3.—(1) Subsection 1 of section 15 of *The Juvenile and Family Courts Act* is amended by inserting after the word "judge" where it occurs in the third and fifth lines respectively the words "deputy judges", so that the said subsection shall now read as follows:

Corporation to provide accommodation and salaries. (1) The corporation of any city, town or county in which a juvenile court is established shall provide a suitable court room and offices for the judge, deputy judges, clerk, probation officers and other officers of the court and shall make proper provision for the salaries of the judge, deputy judges, clerk, probation officers and other officers of the court and for the general expenses of the court.

Rev. Stat., c. 316, s. 15, subs. 2, amended.

(2) Subsection 2 of the said section 15 is amended by striking out the word "salary" in the first line and inserting in lieu thereof the word "salaries", by inserting after the word "judge" in the second line the words "and deputy judges" and by striking out the symbol and figures "\$50,000" in the thirteenth line and inserting in lieu thereof the symbol and figures "\$100,000", so that the said subsection shall now read as follows:

Salaries of judges and amount of expenses.

Proviso.

(2) The Lieutenant-Governor in Council may fix the salaries to be paid to the judge and deputy judges and the amount to be appropriated for other salaries and for the expenses of the court, and such salaries and expenses shall be paid by the city, town or county at the time and in the manner set forth in such Order-in-Council, provided that where fixed by the Lieutenant-Governor in Council the total amount so directed to be paid for the expenses of the court, including salaries, but exclusive of the cost of providing court room and offices and detention home, shall fall within the following limits:

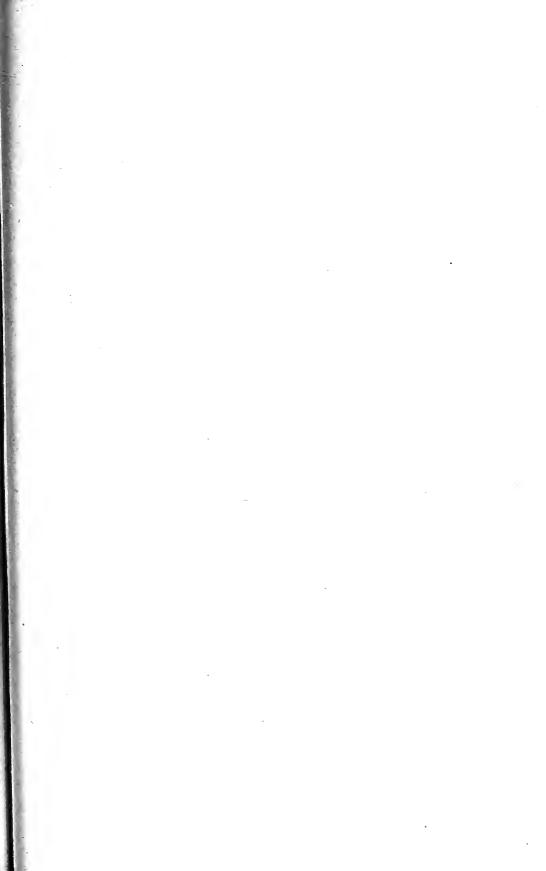
Where the district covered by the court has,—

Limit of expenses of court.

- (a) a population of more than 200,000, not more than \$100,000;
- (b) a population of more than 75,000, but less than 200,000, not more than \$25,000;
- (c) a population of more than 25,000, but less than 75,000, not more than \$15,000;

- (d) a population less than 25,000; not more than \$8,000.
- 4. This Act shall come into force on the day upon which Commenceit receives the Royal Assent.
- 5. This Act may be cited as The Juvenile and Family Courts Short title. Amendment Act, 1947.





BILL

An Act to amend The Juvenile and Family Courts Act.

1st Reading October 27th, 1947

2nd Reading

October 29th, 1947

3rd Reading October 30th, 1947

BILL

An Act to amend The Coroners Act.

MR. BLACKWELL

TORGNTO

EXPLANATORY NOTE

The fee payable to a legally qualified medical practitioner for a *post mortem* examination without an analysis of the contents of the stomach or intestines is increased from \$15 to \$25.

No. 163

BILL

An Act to amend The Coroners Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario; enacts as follows:

- 1. Subsection 2 of section 21 of *The Coroners Act* is amended Rev. Stat., by striking out the symbol and figures "\$15" in the sixth line subs. 2, and inserting in lieu thereof the symbol and figures "\$25", so that the said subsection shall now read as follows:
 - (2) A legally qualified medical practitioner shall be Fees of entitled for each attendance in obedience to any such medical witness. order to \$5 and mileage at the rate of fifteen cents per mile for every mile necessarily travelled, and for a post mortem examination without an analysis of the When post mortem contents of the stomach or intestines he shall be is held. entitled to a fee of \$25, and if with such analysis to an additional fee of \$25.
- 2. This Act shall come into force on the day upon which it Commencement of Act. receives the Royal Assent.
- 3. This Act may be cited as The Coroners Amendment Short title. Act, 1947.

BILL

An Act to amend The Coroners Act.

1st Reading October 27th, 1947

2nd Reading

3rd Reading

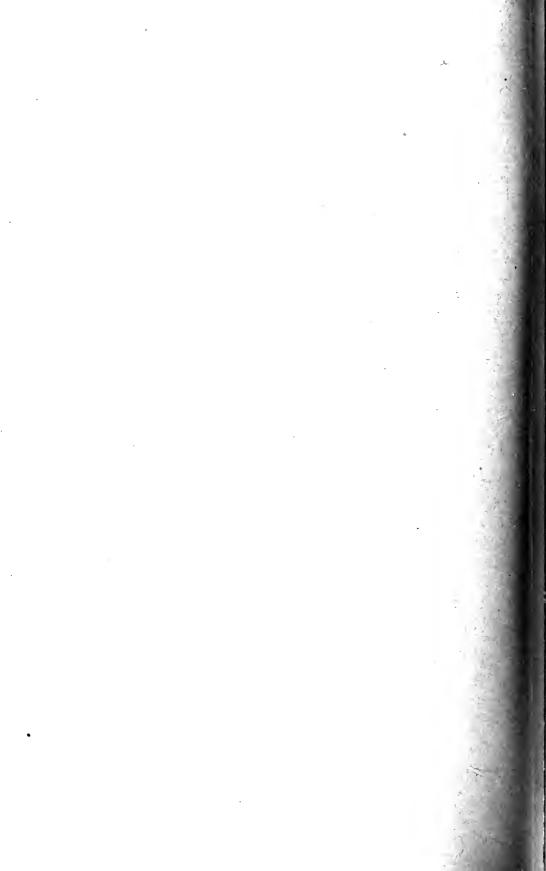
BILL

An Act to amend The Coroners Act.

MR. BLACKWELL

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 163 • 1947

BILL

An Act to amend The Coroners Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 2 of section 21 of *The Coroners Act* is amended Rev. Stat., by striking out the symbol and figures "\$15" in the sixth line subs. 2, and inserting in lieu thereof the symbol and figures "\$25", so that the said subsection shall now read as follows:
 - (2) A legally qualified medical practitioner shall be Fees of entitled for each attendance in obedience to any such medical order to \$5 and mileage at the rate of fifteen cents per mile for every mile necessarily travelled, and for a post mortem examination without an analysis of the When post mortem contents of the stomach or intestines he shall be is held. entitled to a fee of \$25, and if with such analysis to an additional fee of \$25.
- 2. This Act shall come into force on the day upon which it Commencereceives the Royal Assent.
- 3. This Act may be cited as The Coroners Amendment short title. Act, 1947.

BILL

An Act to amend The Coroners Act.

1st Reading October 27th, 1947

2nd Reading

October 29th, 1947

3rd Reading

October 30th, 1947

BILL

The Statute Law Amendment Act, 1947 (No. 2).

MR. BLACKWELL

EXPLANATORY NOTES

Section 1. This section, which was passed in 1929, provides that "no Chinese person shall employ in any capacity or have under his direction or control any female white person in any factory, restaurant or laundry".

It was also provided that the section should not come into force until proclaimed. It has not been proclaimed and is now repealed.

Section 2—Subsection 1. Where a municipality agrees to provide fire protection for buildings or premises situate outside the municipality, the fire chief shall have the same powers and duties with respect thereto as if such buildings or premises were situate within the municipality. The same principle applies where a municipality owns or uses a building outside its corporate limits.

Subsection 2. The Lieutenant-Governor in Council is given authority to make regulations with respect to the enumerated matters.

No. 164 1947

BILL

The Statute Law Amendment Act, 1947 (No. 2).

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 28 of The Factory, Shop and Office Building Act Rev. Stat., is repealed.

 Rev. Stat., repealed.
- 2.—(1) Section 9 of *The Fire Marshals Act*, as amended by Rev. Stat., section 2 of *The Fire Marshals Amendment Act*, 1938, is amended. further amended by adding thereto the following subsection:
 - (5) The chief of the fire department of a municipality Powers of shall have the same powers and duties with respect municipality. to any buildings or premises outside the territorial limits of the municipality as if the buildings or premises were situate within the municipality where,—
 - (a) such buildings or premises are owned or used by the municipality; or
 - (b) the municipality has undertaken to provide fire protection for such buildings or premises.
- (2) The Fire Marshals Act is amended by adding thereto Rev. Stat., the following section:
 - 23a. The Lieutenant-Governor in Council may make Regulations. regulations,—
 - (a) prescribing the methods of fire prevention to be used in any class of premises or premises used for any specified purpose;
 - (b) prescribing the types, location and testing of fire-fighting apparatus, equipment and devices and fire alarm systems to be used in any class of premises or premises used for any specified purpose;

Rev. Stat., c. 332.

- (c) regulating, subject to *The Gasoline Handling* Act, the manner and method of handling and storing inflammable liquids or gases in any class of premises or premises used for any specified purpose;
- (d) prescribing the forms, records and returns to be used, kept and made by fire chiefs in respect of their inspections of any class of premises or premises used for any specified purpose; and
- (e) generally for the better carrying out of the provisions of this Act.

Rev. Stat., c. 89, s. 2, cl. a, repealed.

3. Clause a of section 2 of The King's Printer Act is repealed.

Rev. Stat., c. 174, s. 55, subs. 3, amended. **4.** Subsection 3 of section 55 of *The Land Titles Act* is amended by striking out the word "five" in the first line and inserting in lieu thereof the word "ten", so that the said subsection shall now read as follows:

Fee for making list.

(3) A fee of ten cents shall be payable with respect to every conveyance entered in the list.

Rev. Stat., c. 200, s. 19, subs. 2, amended. 5.—(1) Subsection 2 of section 19 of *The Mechanics' Lien Act* is amended by striking out the word "twenty-five" in the second line and inserting in lieu thereof the word "fifty", and by striking out the word "ten" in the third line and inserting in lieu thereof the word "twenty", so that the said subsection shall now read as follows:

Fee for registration.

(2) The fee for registration of a claim for lien shall be fifty cents, and if several persons join in one claim the registrar shall be entitled to a further fee of twenty cents for each person after the first.

Rev. Stat., c. 200, s. 29, subs. 1, amended.

(2) Subsection 1 of section 29 of *The Mechanics' Lien Act* is amended by striking out the words "proper office" in the second line and inserting in lieu thereof the words "office of the local registrar of the Supreme Court in the county or district in which the land is situate", so that the said subsection shall now read as follows:

Mode of realizing lien.

(1) A lien shall be enforced in the Supreme Court in an action to be commenced by filing in the office of the local registrar of the Supreme Court in the county or district in which the land is situate a statement of claim, verified by affidavit (Form 5), which affidavit may be made by any of the persons named in subsection 2 of section 16.

Section 3. The introductory portion of section 2 and the repealed clause now read as follows:

- 2. In addition to the duties heretofore performed by the King's Printer, he shall,—
 - (a) act as accountant to the Legislative Assembly;

Section 4. The fee payable to a master of titles for furnishing a municipality with a list of all conveyances of land in the municipality registered during the previous year is increased.

Section 5-Subsection 1. The fees for registration of mechanics' liens are increased.

Subsections 2 and 3. These amendments make it clear that mechanics' lien actions shall be commenced and tried in the county or district in which the land is situate.

Section 6—Subsection 1. The fee payable to a registrar for filing and entering a declaration of partnership is increased from 50 cents to \$1.

Subsection 2. The fee payable to a registrar for searching the firm index is increased from 10 cents to 25 cents, and a new fee of 25 cents for a certificate on a duplicate is authorized.

Section 7—Subsection 1. This amendment makes it clear that a board shall act by by-law in making regulations governing its police force.

- (3) Subsection 1 of section 31 of *The Mechanics' Lien Act* Rev. Stat., is repealed and the following substituted therefor:

 subs. 1, re-enacted.
 - (1) The action shall be tried in the county or district Trial to be in which the land is situate before a judge of the situate. county or district court, provided that where the land is situate in the County of York the action shall be tried before a Master of the Supreme Court or an Assistant Master.
- **6.**—(1) Subsection 2 of section 10 of *The Partnership* Rev. Stat., Registration Act is amended by striking out the words "fifty subs. 2, cents" in the third line and inserting in lieu thereof the symbol and figure "\$1", so that the said subsection shall now read as follows:
 - (2) For filing and entering each declaration the registrar shall be entitled to receive from the person filing the fee for same \$1, if it does not contain more than two hundred words, and at the rate of ten cents per hundred words for all above the number of two hundred.
- (2) Subsection 6 of the said section 10 is amended by Rev. Stat., striking out the word "ten" in the third line and inserting in subs. 6. lieu thereof the word "twenty-five", and by adding at the end amended. thereof the words "For each certificate on a duplicate when required—fifty cents", so that the said subsection shall now read as follows:
 - (6) The registrar shall be entitled for searches to the Registrar's following fees and no more:

 the Registrar's fees for certain services.

For searching in Firm Index—each firm twenty-five cents; For searching in Individual Index—each name ten cents; For each certificate when required—twenty-five cents; For each certificate on a duplicate when required—fifty cents.

- 7.—(1) Section 14 of *The Police Act*, 1946, as amended by 1946. c. 72, subsection 1 of section 6 of *The Police Amendment Act*, 1947, re-enacted is repealed and the following substituted therefor:
 - 14. Subject to the approval of the Lieutenant-Governor Regulations in Council, the board may by by-law make regulations not inconsistent with regulations under section 43 for the government of the police force, for preventing neglect or abuse, and for rendering it efficient in the discharge of its duties.

1946, c. 72, s. 22, re-enacted. (2) Section 22 of *The Police Act*, 1946, is repealed and the following substituted therefor:

Cost of policing by levy.

22.—(1) The cost incurred by a township in maintaining its own police force or by reason of an agreement under section 38 or 39 may, if the council deems proper, be paid by a rate levied on any area or areas defined by the council.

Exemption of farm lands and buildings.

(2) Whether or not any area has been defined under subsection 1 the council may exempt lands and buildings used exclusively in connection with farming from any rate levied for the purpose of paying such cost.

Commencement of section. (3) This section shall come into force on the day upon which this Act receives the Royal Assent.

Effective date of subss. 1, 2.

(4) Subsection 1 shall be deemed to have had effect on and after the 1st day of June, 1947, and subsection 2 shall be deemed to have had effect on and after the 1st day of January, 1947.

Rev. Stat., c. 16, s. 4, amended.

- **8**. Section 4 of *The Public Officers Act*, as amended by section 28 of *The Statute Law Amendment Act*, 1939, is further amended by striking out the form of oath and inserting in lieu thereof the following:
 - "I, , do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth (or the reigning sovereign for the time being), his heirs and successors according to law. So help me God."

so that the said section shall now read as follows:

What oath necessary.

Allegiance.

4. It shall not be necessary for any person appointed to any office in Ontario or for any person admitted, called or received as a barrister, notary public, or solicitor, to make any declaration or subscription, or to take or subscribe any other oath than the oath following, that is to say:—

Form.

"I, , do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth (or the reigning sovereign for the time being), his heirs and successors according to law. So help me God."

Oath of office.

and also such oath for the faithful performance of the duties of his office or for the due exercise of his profession or calling as may be required by any law in that behalf.

1944, c. 52, s. 1, cl. e, re-enacted. **9**.—(1) Clause *e* of section 1 of *The Regulations Act*, 1944, is repealed and the following substituted therefor:

Subsection 2. Section 22 now reads:

22. The cost of policing any defined section or area of a township may, if the council deems proper, be paid by a rate levied on such section or area.

Section 8. The long form oath of allegiance is repealed. It reads:

"I, A.B., do sincerely promise and swear, that I will be faithful and bear true allegiance to His Majesty King George the Sixth, (or the Reigning Sovereign for the time being.) as lawful Sovereign of Great Britain, Ireland, and the Dominions beyond the seas, and that I will defend Him to the utmost of my power against all traitorous conspiracies or attempts whatever which may be made against His Person, Crown and Dignity and that I will do my utmost endeavour to disclose and make known to His Majesty, His Heirs or Successors, all treasons or traitorous conspiracies and attempts which I may know to be against Him or any of them:—And all this I do swear without any equivocation, mental evasion or secret reservation; So help me God."

The short form that is substituted is similar to that in *The Public Service Act*, 1947 (Bill No. 168), *The Municipal Act*, the *British North America Act*, 1867, the *Oaths of Allegiance Act* (Canada), and corresponding Acts of other Provinces.

Section 9—Subsection 1. Because of the special nature of the Orders of the Municipal Board it is provided that they shall be exempted from the provisions of *The Regulations Act*, 1944.

Subsection 2. The provision which requires a certificate of the making of a regulation is amended so that it will not apply in the case of a regulation made by a Minister and which does not require approval by any other authority.

Subsection 3. Self explanatory.

- (e) "regulation" shall mean any regulation, rule, order "regulation" or by-law of a legislative nature made or approved under the provisions of any Act of this Legislature by the Lieutenant-Governor in Council, a Minister of the Crown, a department of the public service, an official of the government or a board or commission all the members of which are appointed by the Lieutenant-Governor in Council, but shall not include,
 - (i) a by-law of a municipality or local board, as defined in *The Department of Municipal Affairs* Rev. Stat., Act, or
 - (ii) an order of the Ontario Municipal Board other than an order prescribing rules governing proceedings before the Board.
- (2) Subsection 1 of section 2 of *The Regulations Act*, 1944, \$19
 - (1) Every regulation shall be filed in duplicate with the Filing Registrar together with a certificate in duplicate of the making thereof signed by the authority making the regulation or a responsible officer thereof and, where approval is required, with a certificate in duplicate of approval signed by the authority so approving or by a responsible officer thereof, provided Proviso that in the case of a regulation made by a Minister which does not require approval, no certificate shall be required.
- (3) Section 5 of *The Regulations Act*, 1944, is amended by \$\frac{1944}{s.5}\$, adding thereto the following subsection:
 - (2) The Registrar may issue a certificate as to the filing Certificate of any regulation and every such certificate shall be *prima facie* evidence of the facts stated therein without any proof of appointment or signature.
- (4) This section shall come into force on the day upon which Commence-this Act receives the Royal Assent and subsection 1 shall be section. deemed to have had effect on and after the 1st day of July, 1944, and the filing of any regulation which by subsection 1 is exempted from *The Regulations Act*, 1944, is vacated.
- 10. This Act may be cited as The Statute Law Amendment short title. Act, 1947 (No. 2).

BILL

The Statute Law Amendment Act, 1947 (No. 2)

1st Reading

October 27th, 1947

2nd Reading

3rd Reading

BILL

The Statute Law Amendment Act, 1947 (No. 2).



No. 164 1947

BILL

The Statute Law Amendment Act, 1947 (No. 2).

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 28 of The Factory, Shop and Office Building Act Rev. Stat., is repealed.
- 2.—(1) Section 9 of *The Fire Marshals Act*, as amended by Rev. Stat., section 2 of *The Fire Marshals Amendment Act*, 1938, is amended. further amended by adding thereto the following subsection:
 - (5) The chief of the fire department of a municipality Powers of shall have the same powers and duties with respect municipality. to any buildings or premises outside the territorial limits of the municipality as if the buildings or premises were situate within the municipality where,—
 - (a) such buildings or premises are owned or used by the municipality; or
 - (b) the municipality has undertaken to provide fire protection for such buildings or premises.
- (2) The Fire Marshals Act is amended by adding thereto Rev. Stat., the following section:

 amended.
 - 23a. The Lieutenant-Governor in Council may make Regulations. regulations,—
 - (a) prescribing the methods of fire prevention to be used in any class of premises or premises used for any specified purpose;
 - (b) prescribing the types, location and testing of fire-fighting apparatus, equipment and devices and fire alarm systems to be used in any class of premises or premises used for any specified purpose;

Rev. Stat., c. 332.

- (c) regulating, subject to *The Gasoline Handling*Act, the manner and method of handling and storing inflammable liquids or gases in any class of premises or premises used for any specified purpose;
- (d) prescribing the forms, records and returns to be used, kept and made by fire chiefs in respect of their inspections of any class of premises or premises used for any specified purpose; and
- (e) generally for the better carrying out of the provisions of this Act.

Rev. Stat., c. 89, s. 2, cl. a, repealed.

3. Clause a of section 2 of The King's Printer Act is repealed.

Rev. Stat., c. 174, s. 55, subs. 3, amended. **4.** Subsection 3 of section 55 of *The Land Titles Act* is amended by striking out the word "five" in the first line and inserting in lieu thereof the word "ten", so that the said subsection shall now read as follows:

Fee for making list.

(3) A fee of ten cents shall be payable with respect to every conveyance entered in the list.

Rev. Stat., c. 200, s. 19, subs. 2, amended. **5**.—(1) Subsection 2 of section 19 of *The Mechanics' Lien Act* is amended by striking out the word "twenty-five" in the second line and inserting in lieu thereof the word "fifty", and by striking out the word "ten" in the third line and inserting in lieu thereof the word "twenty", so that the said subsection shall now read as follows:

Fee for registration.

(2) The fee for registration of a claim for lien shall be fifty cents, and if several persons join in one claim the registrar shall be entitled to a further fee of twenty cents for each person after the first.

Rev. Stat., c. 200, s. 29, subs. 1, amended.

(2) Subsection 1 of section 29 of *The Mechanics' Lien Act* is amended by striking out the words "proper office" in the second line and inserting in lieu thereof the words "office of the local registrar of the Supreme Court in the county or district in which the land is situate", so that the said subsection shall now read as follows:

Mode of realizing lien.

(1) A lien shall be enforced in the Supreme Court in an action to be commenced by filing in the office of the local registrar of the Supreme Court in the county or district in which the land is situate a statement of claim, verified by affidavit (Form 5), which affidavit may be made by any of the persons named in subsection 2 of section 16.

- (3) Subsection 1 of section 31 of *The Mechanics' Lien Act* Rev. Stat., is repealed and the following substituted therefor:

 subs. 1, re-enacted.
 - (1) The action shall be tried in the county or district Trial to be in which the land is situate before a judge of the situate. county or district court, provided that where the land is situate in the County of York the action shall be tried before a Master of the Supreme Court or an Assistant Master.
- **6.**—(1) Subsection 2 of section 10 of *The Partnership* Rev. Stat.. *Registration Act* is amended by striking out the words "fifty subs. 2, cents" in the third line and inserting in lieu thereof the symbol and figure "\$1", so that the said subsection shall now read as follows:
 - (2) For filing and entering each declaration the registrar Registrar's shall be entitled to receive from the person filing the filing. same \$1, if it does not contain more than two hundred words, and at the rate of ten cents per hundred words for all above the number of two hundred.
- (2) Subsection 6 of the said section 10 is amended by Rev. Stat., striking out the word "ten" in the third line and inserting in subs. 6, lieu thereof the word "twenty-five", and by adding at the end amended. thereof the words "For each certificate on a duplicate when required—fifty cents", so that the said subsection shall now read as follows:
 - (6) The registrar shall be entitled for searches to the Registrar's fees for certain services.

For searching in Firm Index—each firm twenty-five cents; For searching in Individual Index—each name ten cents; For each certificate when required—twenty-five cents; For each certificate on a duplicate when required—fifty cents.

- 7.—(1) Section 14 of *The Police Act*, 1946, as amended by 1946. c. 72, subsection 1 of section 6 of *The Police Amendment Act*, 1947, re-enacted is repealed and the following substituted therefor:
 - 14. Subject to the approval of the Lieutenant-Governor Regulations in Council, the board may by by-law make regulations not inconsistent with regulations under section 43 for the government of the police force, for preventing neglect or abuse, and for rendering it efficient in the discharge of its duties.

1946, c. 72, s. 22, re-enacted. (2) Section 22 of *The Police Act*, 1946, is repealed and the following substituted therefor:

Cost of policing by levy.

22.—(1) The cost incurred by a township in maintaining its own police force or by reason of an agreement under section 38 or 39 may, if the council deems proper, be paid by a rate levied on any area or areas defined by the council.

Exemption of farm lands and buildings.

(2) Whether or not any area has been defined under subsection 1 the council may exempt lands and buildings used exclusively in connection with farming from any rate levied for the purpose of paying such cost.

Commencement of section. (3) This section shall come into force on the day upon which this Act receives the Royal Assent.

Effective date of subss. 1, 2.

(4) Subsection 1 shall be deemed to have had effect on and after the 1st day of June, 1947, and subsection 2 shall be deemed to have had effect on and after the 1st day of January, 1947.

Rev. Stat., c. 16, s. 4, amended.

- **8**. Section 4 of *The Public Officers Act*, as amended by section 28 of *The Statute Law Amendment Act*, 1939, is further amended by striking out the form of oath and inserting in lieu thereof the following:
 - "I, , do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth (or the reigning sovereign for the time being), his heirs and successors according to law. So help me God."

so that the said section shall now read as follows:

What oath necessary.

Allegiance.

4. It shall not be necessary for any person appointed to any office in Ontario or for any person admitted, called or received as a barrister, notary public, or solicitor, to make any declaration or subscription, or to take or subscribe any other oath than the oath following, that is to say:—

Form.

"I, , do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth (or the reigning sovereign for the time being), his heirs and successors according to law. So help me God."

Oath of

and also such oath for the faithful performance of the duties of his office or for the due exercise of his profession or calling as may be required by any law in that behalf.

1944, c. 52, s. 1, cl. e, re-enacted.

9.—(1) Clause e of section 1 of *The Regulations Act*, 1944, is repealed and the following substituted therefor:

- (e) "regulation" shall mean any regulation, rule, order "regulation" or by-law of a legislative nature made or approved under the provisions of any Act of this Legislature by the Lieutenant-Governor in Council, a Minister of the Crown, a department of the public service, an official of the government or a board or commission all the members of which are appointed by the Lieutenant-Governor in Council, but shall not include,
 - (i) a by-law of a municipality or local board, as defined in The Department of Municipal Affairs Rev. Stat., Act, or
 - (ii) an order of the Ontario Municipal Board other than an order prescribing rules governing proceedings before the Board.
- (2) Subsection 1 of section 2 of *The Regulations Act*, 1944, \$19
 - (1) Every regulation shall be filed in duplicate with the Filing Registrar together with a certificate in duplicate of the making thereof signed by the authority making the regulation or a responsible officer thereof and, where approval is required, with a certificate in duplicate of approval signed by the authority so approving or by a responsible officer thereof, provided Provisothat in the case of a regulation made by a Minister which does not require approval, no certificate shall be required.
- (3) Section 5 of *The Regulations Act*, 1944, is amended by \$\frac{1944}{\sigma}\$, \$\frac{5}{\sigma}\$, adding thereto the following subsection:
 - (2) The Registrar may issue a certificate as to the filing Certificate of any regulation and every such certificate shall be *prima facie* evidence of the facts stated therein without any proof of appointment or signature.
- (4) This section shall come into force on the day upon which Commence-this Act receives the Royal Assent and subsection 1 shall be section. deemed to have had effect on and after the 1st day of July, 1944, and the filing of any regulation which by subsection 1 is exempted from *The Regulations Act*, 1944, is vacated.
- 10. This Act may be cited as The Statute Law Amendment short title. Act, 1947 (No. 2).

BILL

The Statute Law Amendment Act, 1947 (No. 2)

1st Reading October 27th, 1947

2nd Reading

October 29th, 1947

3rd Reading October 30th, 1947

BILL

An Act to amend The Training Schools Act, 1939.

MR. DUNBAR

TORONTO
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EXPLANATORY NOTE

The rate per day for a boy or girl in a private training school where the boy or girl belongs to a part of a provisional judicial district not within a city or separated town or a town or township having a population of 5,000 or over is increased from seventy-five cents to one dollar.

No. 165

BILL

An Act to amend The Training Schools Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 1 of section 20 of *The Training Schools Act*, 1939. 1939, is amended by striking out the words "seventy-five subs. 1, cents" in the fourth line and inserting in lieu thereof the words "one dollar", so that the said subsection shall now read as follows:
 - (1) The sum of fifty cents per day and in the case of a boy Contribution or girl belonging to a part of a provisional judicial Province district not within a city or separated town or a town schools. or township having a population of 5,000 or over the sum of one dollar per day for each day's actual stay of a boy or girl in a private training school shall be paid quarterly by the Treasurer of Ontario to the society maintaining the training school out of any moneys appropriated for that purpose.
- 2. This Act shall come into force on the day upon which it Commencereceives the Royal Assent.
- 3. This Act may be cited as The Training Schools Amend-short title. ment Act, 1947.

An Act to amend The Training Schools Act, 1939.

1st Reading

October 27th, 1947

2nd Reading

3rd Reading

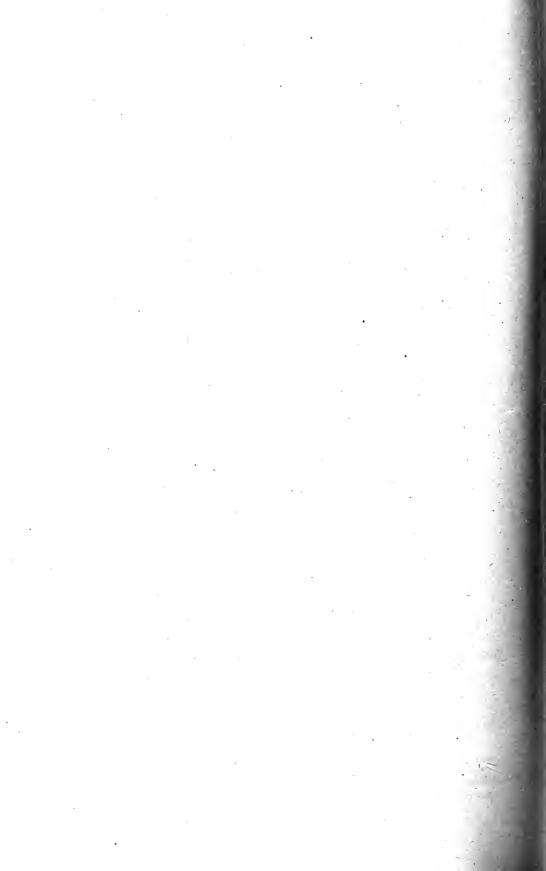
Mr. Dunbar

1947

BILL

An Act to amend The Training Schools Act, 1939.

Mr. Dunbar



No. 165

BILL

An Act to amend The Training Schools Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- - (1) The sum of fifty cents per day and in the case of a boy Contribution or girl belonging to a part of a provisional judicial Province district not within a city or separated town or a town schools. or township having a population of 5,000 or over the sum of one dollar per day for each day's actual stay of a boy or girl in a private training school shall be paid quarterly by the Treasurer of Ontario to the society maintaining the training school out of any moneys appropriated for that purpose.
- 2. This Act shall come into force on the day upon which it Commencereceives the Royal Assent.
- 3. This Act may be cited as The Training Schools Amend-short title. ment Act, 1947.

An Act to amend The Training Schools Act, 1939.

1st Reading

October 27th, 1947

2nd Reading

October 28th, 1947

3rd Reading October 30th, 1947

Mr. Dunbar

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Dentistry Act.

EXPLANATORY NOTE

This Bill will

- (a) authorize the Board of Directors of the Royal College of Dental Surgeons of Ontario, with the approval of the Lieutenant-Governor in Council, to pass by-laws for the establishment, development, regulation and control of an ancillary body to be known as dental hygienists;
- (b) increase the maximum annual fees payable by dentists from \$10 to \$25; and
- (c) correct Schedule A to the Act, which defines the electoral districts, by adding Cochrane to Electoral District No. 3.

No. 166 /

1947

BILL

An Act to amend The Dentistry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Dentistry Act is amended by adding thereto the Rev. Stat., following section:
 - 10a. The Board shall have power, subject to the approval hygienists. of the Lieutenant-Governor in Council, to pass by-laws.—
 - (a) providing for the establishment, development, regulation and control of an ancillary body to be known as dental hygienists;
 - (b) providing for the delegation to dental hygienists of the performance, under the direct control and supervision of a member of the College, of the services of cleaning and polishing teeth and the giving of instructions and demonstrations in oral hygiene and mouth care;
 - (c) prescribing other specific dental duties of a minor nature that may be similarly delegated for performance by dental hygienists;
 - (d) regulating the conditions and prescribing the qualifications for admission to such body;
 - (e) prescribing the admission and annual fees payable by members of such body; and
 - (f) generally for the defining, regulating and controlling of the practice of dental hygiene.
- 2. Subsection 1 of section 19 of *The Dentistry Act* is amended Rev. Stat.. by striking out the symbol and figures "\$10" in the fifth line subs. 1.

and inserting in lieu thereof the symbol and figures "\$25", so that the said subsection shall now read as follows:

Annual fees.

(1) Every member of the College engaged in the practice of dental surgery in Ontario shall, on or before the 1st day of January in each year, pay to the treasurer, or to a person deputed by him to receive the same, such annual registration fee, not exceeding \$25, as may be prescribed by by-law of the Board, and such fee shall be recoverable by suit in the name of the Royal College of Dental Surgeons of Ontario in the division court of the division in which the member in default resides.

Rev. Stat., c. 227, s. 20, amended.

3. Section 20 of *The Dentistry Act*, as amended by section 3 of *The Dentistry Amendment Act*, 1942, is further amended by adding thereto the following subsection:

Idem.

(1c) No work, service, advice or assistance that is part of the practice of dental hygiene and that is undertaken, performed or given by any dental hygienist in the office or clinic of a member of the College and under his supervision and control, shall be deemed to be a contravention of this section.

Rev. Stat., c. 227, Sched. A, para. 3, amended.

4. The third paragraph of Schedule A to *The Dentistry Act* is amended by inserting after the words "Thunder Bay" in the third line the word "Cochrane", so that the said paragraph shall now read as follows:

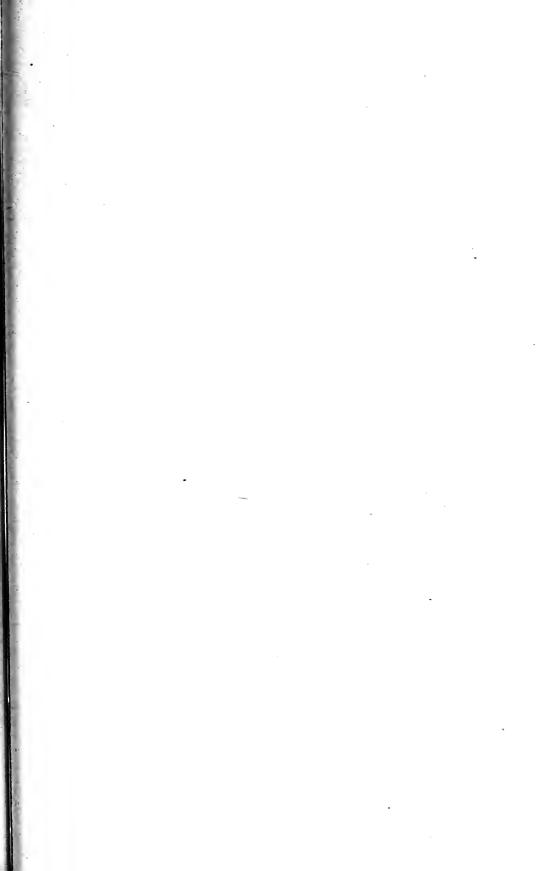
Electoral District No. 3 shall consist of the following counties and districts: Algoma, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, Sudbury, Thunder Bay, Cochrane and Temiskaming.

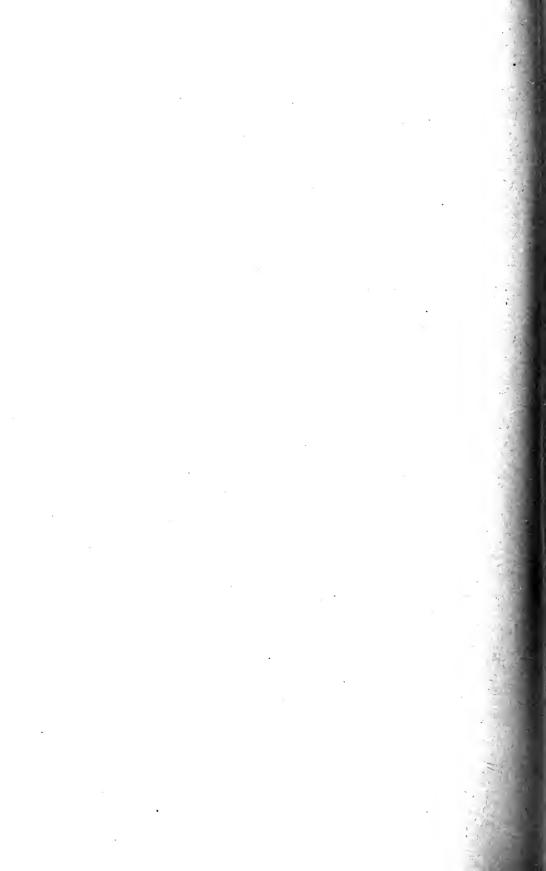
Commencement of Act.

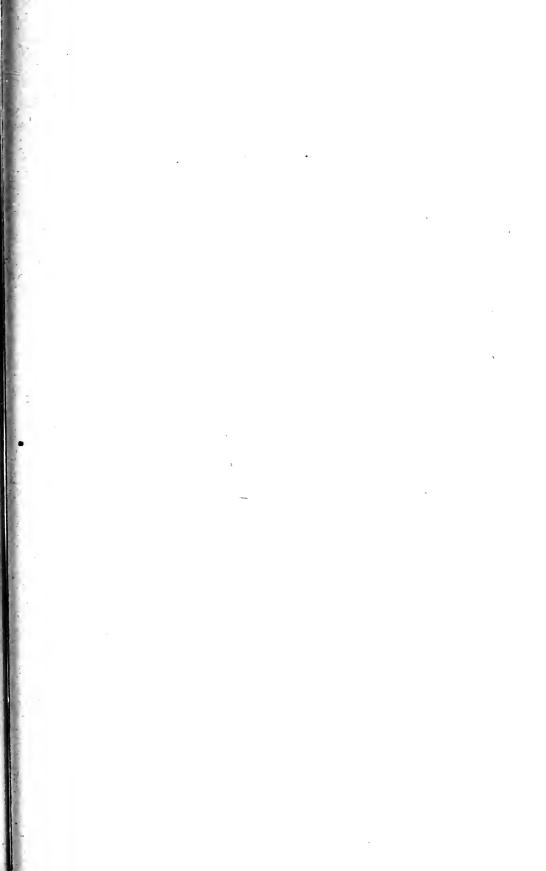
5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as The Dentistry Amendment Act, 1947 (No. 2).







An Act to amend The Dentistry Act.

1st Reading October 27th, 1947

2nd Reading

3rd Reading

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

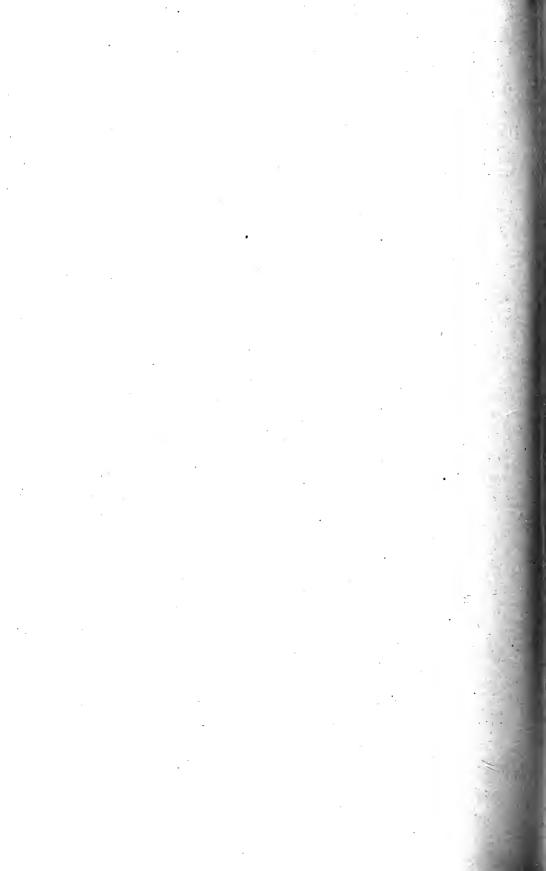
BILL

An Act to amend The Dentistry Act.

Mr. Kelley

TORONTO

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No. 166

1947

BILL

An Act to amend The Dentistry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Dentistry Act is amended by adding thereto the Rev. Stat., following section:

amended.

10a. The Board shall have power, subject to the approval hygienists. of the Lieutenant-Governor in Council, to pass bylaws.—

- (a) providing for the establishment, development, regulation and control of an ancillary body to be known as dental hygienists;
- (b) providing for the delegation to dental hygienists of the performance, under the direct control and supervision of a member of the College, of the services of cleaning and polishing teeth and the giving of instructions and demonstrations in oral hygiene and mouth care;
- (c) prescribing other specific dental duties of a minor nature that may be similarly delegated for performance by dental hygienists;
- (d) regulating the conditions and prescribing the qualifications for admission to such body;
- (e) prescribing the admission and annual fees payable by members of such body; and
- (f) generally for the defining, regulating and controlling of the practice of dental hygiene.

2. Subsection 1 of section 19 of *The Dentistry Act* is amended $^{\text{Rev. Stat.}}_{\text{c. 227, s. 19}}$, by striking out the symbol and figures "\$10" in the fifth line $^{\text{subs. 1}}_{\text{amended}}$.

and inserting in lieu thereof the symbol and figures "\$25", so that the said subsection shall now read as follows:

Annual fees. (1) Every member of the College engaged in the practice of dental surgery in Ontario shall, on or before the 1st day of January in each year, pay to the treasurer, or to a person deputed by him to receive the same, such annual registration fee, not exceeding \$25, as may be prescribed by by-law of the Board, and such fee shall be recoverable by suit in the name of the Royal College of Dental Surgeons of Ontario in the division court of the division in which the member in default resides.

Rev. Stat., o. 227, s. 20, amended.

3. Section 20 of *The Dentistry Act*, as amended by section 3 of *The Dentistry Amendment Act*, 1942, is further amended by adding thereto the following subsection:

Idem.

(1c) No work, service, advice or assistance that is part of the practice of dental hygiene and that is undertaken, performed or given by any dental hygienist in the office or clinic of a member of the College and under his supervision and control, shall be deemed to be a contravention of this section.

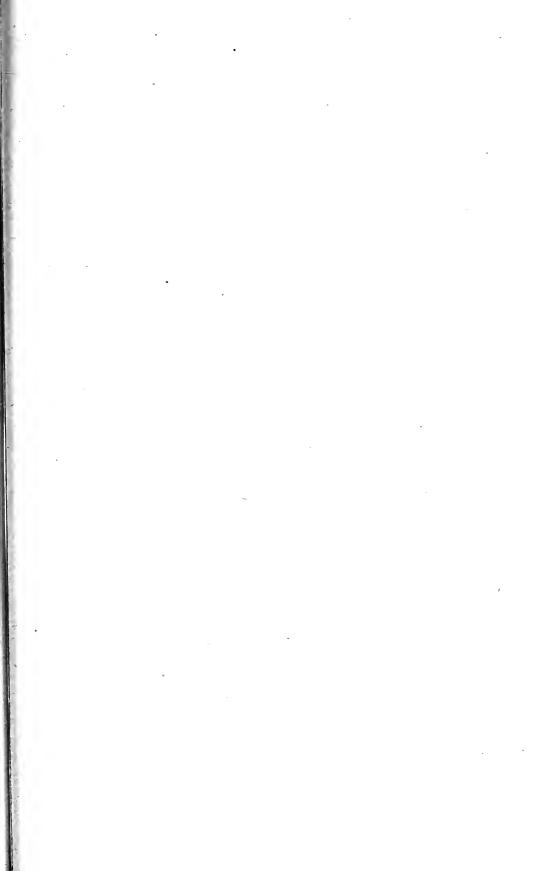
Rev. Stat., c. 227, Sched. A, para. 3, amended.

4. The third paragraph of Schedule A to *The Dentistry Act* is amended by inserting after the words "Thunder Bay" in the third line the word "Cochrane", so that the said paragraph shall now read as follows:

Electoral District No. 3 shall consist of the following counties and districts: Algoma, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, Sudbury, Thunder Bay, Cochrane and Temiskaming.

Commencement of Act.

- **5**. This Act shall come into force on the day upon which it receives the Royal Assent.
- Short title. 6. This Act may be cited as The Dentistry Amendment Act, 1947 (No. 2).







An Act to amend The Dentistry Act.

1st Reading October 27th, 1947

2nd Reading October 28th, 1947

October 30th, 1947

3rd Reading

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Public Hospitals Act.

EXPLANATORY NOTE

The Bill is designed to assist convalescent hospitals, hospitals for incurable patients and hospitals for chronic patients by increasing the municipal liability for indigent patients from \$1.50 to \$2.25 per day. This amendment brings the rate into line with that payable in the case of general hospitals.

No. 167

1947

BILL

An Act to amend The Public Hospitals Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Clause a of section 16 of The Public Hospitals Act, as Rev. Stat., re-enacted by section 4 of The Public Hospitals Amendment cl. a (1945, Act, 1945, is amended by striking out the symbol and figures amended. "\$1.50" in the last line and inserting in lieu thereof the symbol and figures "\$2.25", so that the said clause shall now read as follows:
 - (a) in the case of a hospital which, under the regulations, is classed as a convalescent hospital, hospital for incurable patients or a hospital for chronic patients, at the rate of \$2.25 per day; and
- 2. This Act shall come into force on the 1st day of January, Commence-1948.
- 3. This Act may be cited as The Public Hospitals Amend-Short title. ment Act, 1947.

An Act to amend The Public Hospitals Act.

1st Reading October 27th, 1947

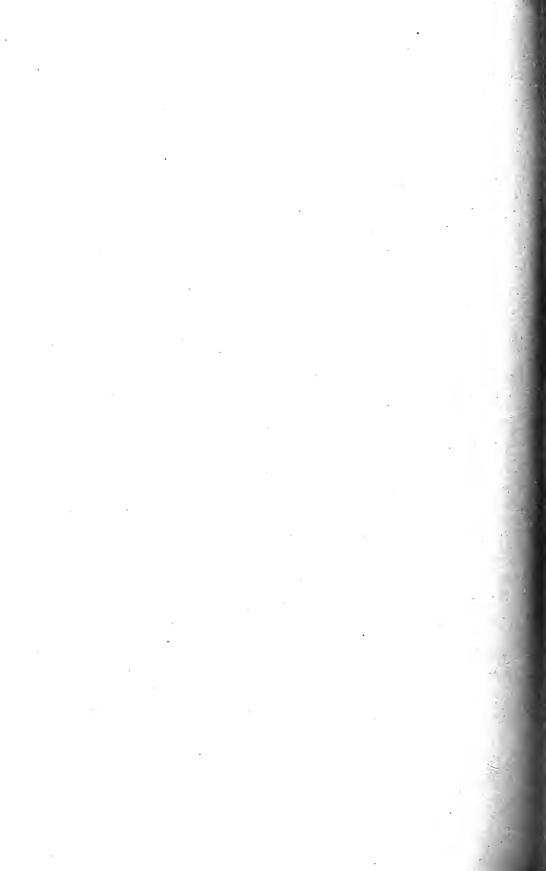
2nd Reading

3rd Reading

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Public Hospitals Act.



BILL

An Act to amend The Public Hospitals Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Clause a of section 16 of The Public Hospitals Act, as Rev. Stat.. re-enacted by section 4 of The Public Hospitals Amendment cl. a (1945, Act, 1945, is amended by striking out the symbol and figures cl. 18, s. 4). "\$1.50" in the last line and inserting in lieu thereof the symbol and figures "\$2.25", so that the said clause shall now read as follows:
 - (a) in the case of a hospital which, under the regulations, is classed as a convalescent hospital, hospital for incurable patients or a hospital for chronic patients, at the rate of \$2.25 per day; and

2. This Act shall come into force on the 1st day of January, Commencement of Act. 1948.

3. This Act may be cited as The Public Hospitals Amend-Short title. ment Act, 1947.

An Act to amend The Public Hospitals Act.

2nd Reading October 29th, 1947 October 27th, 1947

3rd Reading

October 30th, 1947

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

The Public Service Act, 1947.

MR. MICHENER

TORONTO

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EXPLANATORY NOTE

This Bill contains a revision of *The Public Service Act* (R.S.O. 1937, c. 15).

The following table of contents will be found helpful in locating particular subjects:

Interpretation	Pages 1, 2	Sections 1
PART I—THE PUBLIC SERVICE The Commission	2, 3 3, 4	2-10 2 3-6 7-10
PART II—SUPERANNUATION. The Board. The Fund. Types of Allowances. Payment of Allowances. Extended Application. General.	9-13 13, 14 14-16	11-41 11 12-17 18-27 28-31 32-36 37-41
Repeal	17	42
COMMENCEMENT OF ACT	17	43
SHORT TITLE	17	44

Whether the provisions of this Bill are unamended, amended or new as compared with the present Act is indicated in italics at the end of each provision.

BILL

The Public Service Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1.—(1) In this Act,—

Interpretation,—

- (a) "Board" shall mean Public Service Superannuation "Board": Board:
- (b) "child" shall include adopted child and step-child; "child";
- (c) "civil servant" shall mean a person appointed to the "civil servant"; civil service of the Crown by the Lieutenant-Governor service"; in Council or by a minister but shall not include the persons or classes of persons designated by the regulations made under Part I, and "civil service" shall have a corresponding meaning;
- (d) "Commission" shall mean Civil Service Commission; "Commission"; sion";
- (e) "Crown" shall mean Crown in right of Ontario; "Crown";
- (f) "employee" shall mean a person who is appointed a "employee" civil servant by the Lieutenant-Governor in Council but shall not include a person who is entitled to benefit from any other superannuation fund to which the Crown contributes, and "employed" shall have a corresponding meaning;
- (g) "Fund" shall mean Public Service Superannuation "Fund"; Fund; and
- (h) "Treasurer" shall mean Treasurer of Ontario. R.S.O. "Treasurer". 1937, c. 15, ss. 1, 23, amended.
- (2) For the purposes of Part II, where any computation Computation involves part of a year, such computation shall be made on a year. monthly basis and,—

- (a) any part of a month less than fifteen days shall be disregarded; and
- (b) any part of a month not less than fifteen days shall be deemed to be a month. New.

PART I.

THE PUBLIC SERVICE.

The Commission.

Commission. 2.—(1) There shall be a commission to be known as the Commission. Civil Service Commission consisting of not more than three persons appointed by the Lieutenant-Governor in Council, one of whom may be appointed chairman. R.S.O. 1937, c. 15, s. 17 (1), amended.

Duties of Commission.

- (2) The Commission shall,—
 - (a) examine and pass upon the qualifications of nominees for the civil service;
 - (b) assign nominees for the civil service and civil servants to classifications prescribed by the regulations and specify the salary payable;
 - (c) determine the value of perquisites granted to civil servants;
 - (d) study the organization and administration of the staffs of the departments and make such recommendations to the Lieutenant-Governor in Council as it deems proper with respect to,
 - (i) the organization and administration methods in any department,
 - (ii) the co-ordination of the work of the departments, and
 - (iii) generally, the improvement of the civil service:
 - (e) investigate and report to the Lieutenant-Governor in Council upon any matter relating to the civil service or a civil servant referred to it by the Lieutenant-Governor in Council; and
 - (f) present annually to the Lieutenant-Governor in Council a report upon the performance of its duties

during the preceding fiscal year, which report shall be laid before the Assembly at the next session of the Legislature. R.S.O. 1937, c. 15, ss. 18, 21, part, amended.

Appointments and Tenure.

- **3.**—(1) The Lieutenant-Governor in Council may appoint Appoints such persons to the civil service as he may deem requisite or as may be required under any Act. R.S.O. 1937, c. 15, s. 5. amended.
- (2) A minister may appoint such persons to the civil service Temporary appoint in any department over which he presides as he may deem ments. requisite or as may be required under any Act, but any such appointment shall not be for a longer period than one year from the date thereof and shall not be renewable. R.S.O. 1937, c. 15, s. 8, amended.
- (3) No person shall be appointed as a civil servant until Certification by the Commission has certified to the Lieutenant-Governor in Commission. Council or the minister, as the case may be, that such person is qualified and has assigned him to a classification and specified the salary to which he is entitled in accordance with the regulations. New.
- 4.—(1) Every civil servant appointed before this Act comes Oaths of allegiance, into force shall within six months thereafter, and every civil office and servant appointed after this Act comes into force shall before any salary is paid to him take and subscribe before the Clerk of the Executive Council or a person designated by the Lieutenant-Governor in Council, the oath of allegiance in the following form:
 - "I, , do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth (or the reigning sovereign for the time being), his heirs and successors according to law. So help me God."

and the oath of office and secrecy in the following form:

- "I, , do swear that I will faithfully discharge my duties as a civil servant and except as I may be legally authorized or required I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being a civil servant. So help me God."
- (2) The Clerk of the Executive Council and the persons Record of designated by the Lieutenant-Governor in Council to administer oaths shall keep records of the oaths that they administer. R.S.O. 1937, c. 15, s. 15, amended.

Age of retirement.

5. Except as otherwise provided in section 6, subsection 2 of section 18 and section 33, every civil servant shall be retired upon attaining the age of sixty-five years. *New*.

Special fitness.

- 6.—(1) Where a civil servant or former civil servant,—
 - (a) has attained the age of sixty-five years; and
 - (b) on account of his peculiar skill and fitness for his position it is in the public interest so to do,

the Lieutenant-Governor in Council may re-appoint him, but such re-appointment shall not be for a longer period than one year at a time and shall not be renewable for more than five years in all unless such re-appointment is to a different position and does not limit the possibilities of promotion of other civil servants. R.S.O. 1937, c. 15, s. 57 (1), amended.

Present civil servants over seventy.

(2) Every civil servant who is more than seventy years of age when this Act comes into force may be re-appointed by the Lieutenant-Governor in Council, but any such re-appointment shall not be for a longer period than six months at a time and shall not be renewable for more than five years in all unless such re-appointment is to a different position and does not limit the possibilities of promotion of other civil servants. *New*.

Ceneral.

Deputy minister, powers and duties of; 7.—(1) A deputy minister shall have the general control of his department and shall have such other powers and perform such other duties as may be assigned to him by the Lieutenant-Governor in Council. R.S.O. 1937, c. 15, s. 9 (3), part.

power to suspend; (2) In the absence of his minister a deputy minister may suspend from employment any civil servant in his department who refuses or neglects to obey his directions. R.S.O. 1937, c. 15, s. 9 (3), part, amended.

vacancy in office.

(3) Where a deputy minister is absent or there is a vacancy in the office, the powers and duties of the deputy minister shall be exercised and performed by such civil servant as may be designated by the minister of the department. R.S.O. 1937, c. 15, s. 9 (2), amended.

Debts of civil servants.

- **8.** When a creditor of a civil servant files with the Treasurer.—
 - (a) a notice that a debt or money demand of not less than \$25, not being a claim for damages, is due and owing to him from a civil servant, either on a judgment or otherwise; and

(b) such proof as the Treasurer may require that the debt or money demand is owing,

the Treasurer may deduct from the salary of the civil servant or from any money owing to him from the Crown, such amount as the Treasurer may see fit in the circumstances and pay the amount to the creditor in discharge or partial discharge of the debt or money demand. R.S.O. 1937, c. 15, s. 14, part, amended.

- **9**. The Lieutenant-Governor in Council or the Commission, Regulasubject to the approval of the Lieutenant-Governor in Council, may make regulations,—
 - (a) prescribing the procedure to be followed in the appointment of civil servants;
 - (b) designating the appointees or classes of appointees who shall not be civil servants;
 - (c) prescribing the method of classifying, re-classifying and promoting civil servants and of increasing the remuneration of civil servants and of transferring civil servants from one department to another;
 - (d) prescribing a schedule of classifications for civil servants, including qualifications, duties and salaries;
 - (e) providing for the time and manner of payment of the salaries of civil servants;
 - (f) prescribing the hours of service for civil servants;
 - (g) providing for a system of credits for the regular attendance of civil servants and for the payment to a person who has ceased to be a civil servant, or to his personal representative, of an amount equal to the value or a portion of the value of his credit;
 - (h) providing for the granting of leave of absence to civil servants;
 - (i) for regulating the conduct of civil servants, including the imposing of penalties by fine, suspension, demotion or otherwise;
 - (j) providing for the establishment of advisory, joint or departmental councils or committees and prescribing the powers and duties thereof; and
 - (k) generally for the better carrying cut of this Part. R.S.O. 1937, c. 15, s. 6, amended.

Cost of administration.

10. The cost of administration of this Part shall be payable out of such moneys as may be appropriated therefor by the Legislature. R.S.O. 1937, c. 15, s. 17 (3), amended.

PART II.

SUPERANNUATION.

The Board.

Board,—appointment of.

11.—(1) The Board known as the Public Service Superannuation Board is continued and shall consist of three members appointed by the Lieutenant-Governor in Council, one of whom shall be the representative of and employed in the civil service.

Administration of Part II.

(2) The Board shall be responsible for the administration of this Part to the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council. R.S.O. 1937, c. 15, s. 44, amended.

The Fund.

Fund continued.

12.—(1) The Fund known as the Public Service Superannuation Fund is continued and the account in the books of the Treasurer known as the Public Service Superannuation Fund Account is continued.

Treasurer to be custodian.

(2) The Treasurer shall continue to be the custodian of the Fund. R.S.O. 1937, c. 15, s. 24 (1, 2), amended.

Make-up of Fund.

(3) The Fund shall consist of the amounts contributed by employees, and the amounts credited to the Fund out of the Consolidated Revenue Fund or otherwise under this Act. R.S.O. 1937, c. 15, s. 25, amended.

Investment of Fund.

(4) The Fund, less such amounts as may be necessary to meet current expenditures, shall, upon resolution of the Board, be invested by the Treasurer in bonds of the Province of Ontario or other securities guaranteed by the Province of Ontario.

Records.

(5) Records shall be kept by the Treasurer showing a separate account for each contributor to the Fund and for each beneficiary.

Audit.

(6) The Fund shall be audited by the Provincial Auditor or by such other auditor as the Lieutenant-Governor in Council may appoint, and the auditor shall make an annual report in respect of the preceding fiscal year to the Lieutenant-Governor in Council and the report shall be laid before the Assembly at the next session of the Legislature. R.S.O. 1937, c. 15, c. 24 (3-5), amended.

- **13**.—(1) Every employee employed before this Act comes Employees' into force shall contribute to the Fund an amount equal tions. to four per centum of his salary. R.S.O. 1937, c. 15, s. 32 (1), amended.
- (2) Every employee employed on or after the day upon Idem. which this Act comes into force whose salary is less than \$1,500 shall contribute to the Fund an amount equal to five per centum of his salary.
- (3) Every employee employed on or after the day upon ^{Idem} which this Act comes into force whose salary is \$1,500 or more shall contribute to the Fund an amount equal to six per centum of his salary. *New*.
- (4) The contributions shall be deducted from the salary tions to of the employee. R.S.O. 1937, c. 15, s. 32 (1), amended. be deducted from salary.
 - (5) Every person who,-

Temporary employee permanently employed.

- (a) was employed temporarily and continuously up to the time of his appointment as an employee;
- (b) gives notice in writing to the Board within six months after this Act comes into force or within three months after his appointment as an employee, whichever is the later date, of his intention to pay the amount prescribed in clause c and to contribute to the Fund; and
- (c) pays, or agrees to pay by way of salary deductions, an amount equal to the amount that would have been payable by him had he been appointed as an employee at the date of his appointment as a temporary employee together with interest at three per centum per annum upon the amount so payable,

shall be deemed to be an employee and shall be entitled to credit for the period of service represented by the payments made, in reckoning the amount of any allowance payable to him. 1946, c. 83, s. 2, amended.

- (6) Subsection 5 shall not apply to persons who, after Casual this Act comes into force, are appointed otherwise than as provided in section 3.
- (7) For the purposes of this section the Board shall have Date of power to determine the date of the commencement of the ment. employment of any person. *New*.
- 14.—(1) An employee who is granted leave of absence Leave of absence, without salary shall within six months of the termination of contributions.

the leave contribute to the Fund an amount equivalent to the deductions from his salary that would have been made if he had not been granted the leave, and where the leave,—

- (a) exceeds one month; and
- (b) is granted for a reason other than the illness of the employee,

he shall within the same period of time contribute to the Fund an additional equivalent amount which shall be in lieu of the credits provided for in section 15.

Leave for educational purposes.

(2) Where an employee is granted leave of absence without salary for educational purposes, he may make the contributions mentioned in subsection 1, in which case the contributions shall be made within a period of time that is equivalent to or less than the period of the leave, or he may elect not to make such contributions, in which case he shall not be entitled to credit for the period of the leave. New.

Employer's contributions,—

15.—(1) When a contribution of an employee is credited to the Fund, an equivalent amount shall be credited to the Fund out of the Consolidated Revenue Fund. R.S.O. 1937, c. 15, s. 33, amended.

designated branches,— (2) Where employees are engaged in a branch of the civil service having a special fund and the branch and fund are designated for the purpose of this subsection by the Lieutenant-Governor in Council, amounts equivalent to the contributions to the Fund of such employees shall be credited or paid to the Fund out of the designated fund in lieu of the credits to the Fund provided for in subsection 1.

boards and commissions.

(3) Where the Lieutenant-Governor in Council designates a board or commission under section 35, amounts equivalent to the contributions to the Fund of employees who are members of the permanent staff of the board or commission shall be credited to the Fund out of such moneys as may be appropriated therefor by or for the board or commission in lieu of the credits to the Fund provided for in subsection 1. New.

Interest.

16. There shall be credited to the Fund out of the Consolidated Revenue Fund interest at the rate of five per centum per annum compounded annually and such interest shall be made up at the close of each fiscal year upon the uninvested balance in the Fund at the commencement of the fiscal year. R.S.O. 1937, c. 15, s. 34, amended.

Deficiency.

17. When the amount at the credit of the Fund is insufficient to meet the payments required under this Part, the

deficiency shall be made up out of the Consolidated Revenue Fund. R.S.O. 1937, c. 15, s. 35, amended.

Types of Allowances.

18.—(1) Every employee who,—

fifteen years or more,

(a) attains the age of sixty-five years; and tion allowance.—
payable at sixty-five.

(b) contributes to the Fund in respect of a period of

shall be entitled to a superannuation allowance upon his retirement. R.S.O. 1937, c. 15, s. 26, part, amended.

- (2) Notwithstanding subsection 1, every employee who Present employees,—was more than fifty-five years of age on the day upon which fifty-five or more. this Act comes into force and who,—
 - (a) attains the age of seventy years; and
 - (b) contributes to the Fund in respect of a period of fifteen years or more,

shall be entitled to a superannuation allowance upon his retirement. New.

19. Every employee who,—

Superannuation allowance, payable at sixty.

Superannua-

- (a) attains the age of sixty years; and
- (b) contributes to the Fund in respect of a period of twenty-five years or more,

shall be entitled to a superannuation allowance upon his retirement. R.S.O. 1937, c. 15, s. 26, part, amended.

20.—(1) Every employee who,—

Disability allowance.

- (a) contributes to the Fund in respect of a period of ten years or more;
- (b) is found by the Board by reason of mental or physical incapacity to be unable to perform his duties; and
- (c) is retired by the Lieutenant-Governor in Council,

shall be entitled to a disability allowance.

(2) The Board may review the case of any person receiving Review. a disability allowance and if, in the opinion of the Board, the

person has recovered sufficiently to perform his former or other duties the Board shall report the case to the Lieutenant-Governor in Council who may direct that he be offered reemployment.

Re-employment.

(3) When a person is offered re-employment under this section and does or does not accept the offer, his disability allowance shall cease. R.S.O. 1937, c. 15, s. 26, part, amended.

Where offer not accepted.

(4) Where a person does not accept the offer of re-employment under this section and the amount of the allowance paid to him is less than the amount of his contributions with interest at three per centum per annum, the amount of the difference shall be paid to him in monthly instalments or otherwise as he may direct. *New*.

Computation of superannuation and disability allowances,—

21.—(1) The amount of every annual superannuation and disability allowance shall be computed by dividing the amount of the average annual salary of the employee during the last three years of his service by fifty and multiplying the quotient by the total number of full years and any part of a year of continuous employment including any period of temporary employment where the employment has been continuous and the employee has contributed to the Fund in respect of such period, but not more than thirty-five years of service shall be reckoned. R.S.O. 1937, c. 15, s. 37, part, amended.

maximum and minimum superannuation allowances;

- (2) In no case shall the amount of an annual superannuation allowance be,—
 - (a) more than \$3,000; or
 - (b) less than \$600, except where \$600 is greater than seventy per centum of the employee's average salary during the last three years of his service. R.S.O. 1937, c. 15, s. 37, part, amended.

maximum and minimum disability allowances.

- (3) In no case shall the amount of an annual disability allowance be,—
 - (a) more than \$3,000; or
 - (b) less than \$600 except that where the employee receives another disability allowance, grant, award or pension and his disability allowance under this Part is less than \$600, the amount of his disability allowance under this Part shall be such that he will receive a total of not less than \$600 from both sources. R.S.O. 1937, c. 15, s. 37, part, amended.

Compensation allowance on dismissal.—

22.—(1) An employee who is dismissed and who,—

- (a) attains the age of forty-five years and contributes to the Fund in respect of twenty-five years or more;
- (b) attains the age of fifty years and contributes to the Fund in respect of twenty years or more; or
- (c) attains the age of fifty-five years and contributes to the Fund in respect of fifteen years or more,

may be granted a compensation allowance by the Lieutenant-Governor in Council. R.S.O. 1937, c. 15, s. 26 (2), part, amended.

- (2) The amount of every annual compensation allowance computation shall be computed by dividing the amount of the average annual salary of the employee during the last three years of his service by seventy and multiplying the quotient by the total number of full years and any part of a year of continuous employment including any period of temporary employment where the employment has been continuous and the employee has contributed to the Fund in respect of such period, but not more than thirty-five years of service shall be reckoned. R.S.O. 1937, c. 15, s. 26 (2), part, amended.
- (3) In no case shall the amount of an annual compensation maximum allowance be more than \$2,000. R.S.O. 1937, c. 15, s. 26 (2), part, amended.
- (4) When a person receiving a compensation allowance Increase attains the earliest age at which he would have been eligible for a superannuation allowance under section 18 or 19 had he continued to be employed, the allowance shall be computed in the manner prescribed in section 21, but the period during which he was in receipt of a compensation allowance shall not be included in such computation. R.S.O. 1937, c. 15, s. 26 (4), amended.
- (5) The allowances to widows and children of persons who Allowances were in receipt of compensation allowances under subsection 2 and children. shall be at the rate to which they would have been entitled had the employee died in the service. R.S.O. 1937, c. 15, s. 26 (5).
- (6) Subsections 4 and 5 shall not apply in the case of a person Limitations who is granted a compensation allowance after this Act comes $_{4, 5}^{\text{of subss.}}$ into force. *New*.
- **23.**—(1) Where a person who has reached retiring age and Re-employwho has been granted a superannuation allowance is re-superannuate. employed,—

- (a) payment of the allowance shall be suspended during the period of his re-employment;
- (b) he shall not make any contributions to the Fund during the period of his re-employment; and
- (c) upon his final retirement payment of the allowance shall be resumed. R.S.O. 1937, c. 15, s. 26 (3), amended.

Re-employment generally.

(2) Where an employee who has been granted an allowance before attaining the age of sixty-five years is re-employed, payment of his allowance shall be suspended during the period of his re-employment but the period of re-employment shall be added to the period of his prior employment in determining the allowance to which he is entitled upon his retirement. New.

Refunds.

24.—(1) Where an employee who has contributed to the Fund in respect of a period of less than three years resigns or is dismissed, an amount equal to the total of his contributions shall be paid to him in monthly instalments or otherwise as he may direct.

Idem.

(2) Where an employee who has contributed to the Fund in respect of a period of three years or more resigns or is dismissed and is not entitled to any allowance, an amount equal to the total of his contributions with interest at three per centum per annum shall be paid to him in monthly instalments or otherwise as he may direct. R.S.O. 1937, c. 15, s. 30, part, amended.

Retirement

25. Where an employee is retired or dies before he is or death before super-entitled to a superannuation allowance, twice the amount of annuation. his contributions, with interest at three per centum per annum, shall be paid to him in monthly instalments or otherwise as he may direct or to his personal representative, as the case may be. New.

Death of super-annuate.

26. Except as provided in section 27, where a retired employee who is in receipt of any allowance dies, an amount equal to the amount of his contributions, with interest at three per centum per annum, less the amount of the allowance paid to him, shall be paid to his personal representative. R.S.O. 1937, c. 15, s. 39, part, amended.

Where widow or children

- **27.**—(1) Where an employee who has contributed to the Fund in respect of a period of ten years or more, or a former employee who is in receipt of any allowance dies,—
 - (a) leaving a widow, an amount equal to,

- (i) one-half of the allowance to which the employee would have been entitled had he retired on the date of his death, or
- (ii) one-half of the allowance that the former employee was receiving at the date of his death,

as the case may be, shall be paid to his widow for her life or during her widowhood, and where the widow dies or marries leaving a child or children who at the date of her death or marriage is or are under the age of eighteen years, an amount equal to that paid to the widow shall be paid to the child or children until such age is attained; or

- (b) leaving no widow but leaving a child or children under the age of eighteen years, an amount equal to,
 - (i) one-half of the allowance to which the employee would have been entitled had he retired on the date of his death, or
 - (ii) one-half of the allowance that the former employee was receiving at the date of his death,

as the case may be, shall be paid to such child or children until such age is attained.

- (2) Where the payments made under subsection 1 or the where payamount of the allowance and any payments made under sub-than consection 1, as the case may be, are less than the amount of the tributions contributions of the employee with interest at three per centum per annum, the amount of the difference shall be paid to his personal representative.
- (3) Subsection 1 shall not apply to the widow of an em-Exceptions. ployee if she married him after he attained the age of sixty years or after the date of his retirement, or to the children of such widow.
- (4) Where the employee or former employee is a widow, where subsection 1 shall apply mutatis mutandis to her child or is a widow. children. R.S.O. 1937, c. 15, s. 39, part, amended.

Payment of Allowances.

28.—(1) No payment shall be made out of the Fund until Payments the Board has determined that the payment is in accordance with this Part. R.S.O. 1937, c. 15, s. 45, amended.

Idem.

(2) Every payment out of the Fund shall be made by cheque of the Treasurer issued upon the requisition in writing of the chairman or secretary of the Board and every such requisition shall be sufficient authority for all purposes for the issue of the cheque so requisitioned. R.S.O. 1937, c. 15, s. 49 (2), amended.

Payment of allowances.

29. Allowances shall be paid in monthly instalments. R.S.O. 1937, c. 15, s. 41, amended.

No attachment, etc. **30**. The interest of any employee in the Fund and any allowance payable out of the Fund shall not be subject to garnishment, attachment, seizure or other process of law and shall not be assignable. R.S.O. 1937, c. 15, s. 42, amended.

When employee indebted to Crown.

31. When a person ceases to be an employee and is indebted to the Crown, the amount owing shall be deducted from any payments to which he may be entitled under this Part. R.S.O. 1937, c. 15, s. 30 (2), amended.

Extended Application.

Sheriffs, persons engaged in administration of justice;

- 32.—(1) This Part shall apply to,—
 - (a) every sheriff; and
 - (b) every person or class of persons connected with the administration of justice that may be designated by the Lieutenant-Governor in Council,

whether paid by fees or salary or partly by fees and partly by salary.

computation of contributions.

(2) Where a sheriff or person or class of persons designated under subsection 1 is paid by fees or partly by fees, the contributions payable under this Part in respect of fees shall be computed upon the net income, within the meaning of *The Public Officers' Fees Act*, payable for the preceding year in respect of the office occupied by him and the allowances shall be computed accordingly. R.S.O. 1937, c. 15, ss. 53, 54, part, amended.

Rev. Stat., c. 18.

Magistrates. Rev. Stat.,

c. 133.

33.—(1) This Part shall apply to every full-time magistrate except that *The Magistrates Act* shall govern the age of retirement of magistrates. 1941, c. 46, s. 4.

Certain magistrates' option. (2) Every magistrate who receives a stated annual salary from the municipality to which he is assigned and who was appointed on or before the 1st day of January, 1941, and who,—

- (a) gives notice in writing to the Board within sixty days after this Act comes into force of his intention to pay an amount equal to the amount that would have been payable by him had he contributed to the Fund from the date of his appointment; and
- (b) pays or agrees to pay by way of salary deductions the amount mentioned in clause a together with interest thereon at three per centum per annum,

shall be deemed to be an employee in respect of the period of service represented by the payments so made and shall be entitled to credit for such period in reckoning the amount of any allowance payable to him. New.

- **34.**—(1) Where a teacher or inspector who is a contributor Teacher or inspector to the teachers' and inspectors' superannuation fund under becoming employee. The Teachers' and Inspectors' Superannuation Act, 1946,—1946, c. 96.
 - (a) becomes an employee; and
 - (b) within sixty days from the date of his appointment makes a written request to The Teachers' and Inspectors' Superannuation Commission and to the Board.

an amount equal to his contributions and credits in the teachers' and inspectors' superannuation fund, with interest at the rate of four and three-quarters per centum per annum, shall be transferred to the Fund from the teachers' and inspectors' superannuation fund and where he does not make such request this Part shall not apply to him. R.S.O. 1937, c. 15, s. 52 (2), amended.

- (2) Where a teacher or inspector becomes an employee and Credits. makes a written request under subsection 1 or where a teacher or inspector is an employee when this Act comes into force, he shall be entitled to credit for the number of years of service that is equal to the number obtained by dividing one-half of the amount transferred to the Fund from the teachers' and inspectors' superannuation fund under subsection 1 by a number that is equal to six per centum of his annual salary upon his appointment as an employee. R.S.O. 1937, c. 15, s. 52 (3), amended.
- (3) Where an employee becomes employed as a teacher or Employee inspector within the meaning of The Teachers' and Inspectors' becoming teacher or Superannuation Act, 1946, his contributions and credits in inspector. 1946, c. 96. the Fund, together with interest at the rate of four and threequarters per centum per annum shall be transferred to the teachers' and inspectors' superannuation fund. 1943, c. 28, s. 33, amended.

Application of Part.

35. This Part shall apply to the permanent staff of any board or commission established under any Act of this Legislature that may be designated by the Lieutenant-Governor in Council. R.S.O. 1937, c. 15, s. 55, amended.

Arrangements for payment,—

36. Subject to the approval of the Lieutenant-Governor in Council, the Board may make such agreements as may be deemed advisable for the purpose of providing,—

out of Fund into another superannuation fund:

(a) that where an employee is appointed to the civil service of the Government of Canada, or the staff of any board, commission or public institution established under any Act of this Legislature, an amount equal to his contributions and credits under this Act, or any portion thereof, with interest thereon at such rate as may be agreed upon, shall be paid out of the Fund into any corresponding fund that is maintained to provide superannuation benefits for members of such civil service or staff, as the case may be; and

into Fund out of another superannuation fund. (b) that where a person employed in the civil service of the Government of Canada or on the staff of any board, commission or public institution established under any Act of this Legislature is appointed an employee, an amount shall be paid into the Fund in respect of the period during which such person was employed in the civil service of the Government of Canada, or on the staff of such board, commission or public institution, as the case may be, and allowing him credit under this Part in respect of such amount and the period of employment represented thereby. 1941, c. 46, s. 2, part, amended.

General.

Annual statement to Assembly. Governor in Council a report with respect to the preceding fiscal year showing,—

- (a) the names of the employees that have died or retired;
- (b) the position held by each of them;
- (c) the amount of salary payable to each of them at the time of death or retirement;
- (d) the age of each of them at death or retirement;
- (e) the cause of retirement;

- (f) the amount of the superannuation or other allowance payable in each case; and
- (g) all other payments authorized under this Part and particulars thereof,

which report shall be laid before the Assembly at the next session of the Legislature. R.S.O. 1937, c. 15, s. 50, part, amended.

- **38**. The Lieutenant-Governor in Council or the Board, Regulations subject to the approval of the Lieutenant-Governor in Council, by Board. may make regulations,—
 - (a) prescribing the proofs to be furnished as a condition to the payment of an allowance;
 - (b) prescribing the times at which and the manner in which contributions to the Fund shall be made by any class of employees with respect to which special circumstances exist:
 - (c) determining the maximum number of years of contribution to the Fund, the maximum amount of contribution to the Fund or the maximum salary on which contributions shall be reckoned; and
 - (d) generally for the better carrying out of this Part. R.S.O. 1937, c. 15, s. 46, part, amended.
- **39**. The cost of administration of this Part shall be payable Cost of administration of such moneys as may be appropriated therefor by the tion. Legislature. R.S.O. 1937, c. 15, s. 36, amended.
- **40**. The passing of this Act shall not operate to reduce or Existing increase the amount of any allowance that is being paid when allowances. this Act comes into force. *New*.
- **41.** All payments into the Fund made in respect of an Payments employee for any period during which he was a member of re members. His Majesty's forces are confirmed. *New*.

REPEAL.

42. The Public Service Act, section 21 of The Statute Law Rev. Stat., Amendment Act, 1938, The Public Service Amendment Act, c. 15; 1938, 1941, section 33 of The Statute Law Amendment Act, 1943, 1941, c. 46; and The Public Service Amendment Act, 1946, are repealed.

8. 33; 1946, c. 83, repealed.

COMMENCEMENT OF ACT.

43. This Act shall come into force on a day to be named by Commence the Lieutenant-Governor by his Proclamation.

SHORT TITLE.

44. This Act may be cited as The Public Service Act, Short title. 1947.

The Public Service Act, 1947.

1st Reading October 27th, 1947

2nd Reading

3rd Reading

Mr. Michener

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

The Public Service Act, 1947.

Mr. MICHENER

(Reprinted as amended in Committee of the Whole House.)

TORONTO
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EXPLANATORY NOTE

This Bill contains a revision of *The Public Service Act* (R.S.O. 1937, c. 15).

The following table of contents will be found helpful in locating particular subjects:

Interpretation	Pages 1, 2	Sections 1
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Whether the provisions of this Bill are unamended, amended or new as compared with the present Act is indicated in italics at the end of each provision.

No. 168

1947

BILL

The Public Service Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1.—(1) In this Act,—

Interpre-

- (a) "Board" shall mean Public Service Superannuation "Board";
 Board;
- (b) "child" shall include adopted child and step-child; "child";
- (c) "civil servant" shall mean a person appointed to the "civil serservice of the Crown by the Lieutenant-Governor service";
 in Council or by a minister but shall not include the
 persons or classes of persons designated by the
 regulations made under Part I, and "civil service"
 shall have a corresponding meaning;
- (d) "Commission" shall mean Civil Service Commission; "Commission"; sion";
- (e) "Crown" shall mean Crown in right of Ontario; "Crown"
- (f) "employee" shall mean a person who is appointed a "employee" civil servant by the Lieutenant-Governor in Council but shall not include a person who is entitled to benefit from any other superannuation fund to which the Crown contributes, and "employed" shall have a corresponding meaning;
- (g) "Fund" shall mean Public Service Superannuation "Fund"; Fund; and
- (h) "Treasurer" shall mean Treasurer of Ontario. R.S.O. "Treasurer". 1937, c. 15, ss. 1, 23, amended.
- (2) For the purposes of Part II, where any computation Computation involves part of a year, such computation shall be made on a year. monthly basis and,—

- (a) any part of a month less than fifteen days shall be disregarded; and
- (b) any part of a month not less than fifteen days shall be deemed to be a month. New.

PART I.

THE PUBLIC SERVICE.

The Commission.

Civil Service
Commission. Civil Service Commission consisting of not more than three persons appointed by the Lieutenant-Governor in Council, one of whom may be appointed chairman. R.S.O. 1937, c. 15, s. 17 (1), amended.

Duties of Commission. (2) The Commission shall,—

- (a) examine and pass upon the qualifications of nominees for the civil service;
- (b) assign nominees for the civil service and civil servants to classifications prescribed by the regulations and specify the salary payable;
- (c) determine the value of perquisites granted to civil servants;
- (d) study the organization and administration of the staffs of the departments and make such recommendations to the Lieutenant-Governor in Council as it deems proper with respect to,
 - (i) the organization and administration methods in any department,
 - (ii) the co-ordination of the work of the departments, and
 - (iii) generally, the improvement of the civil service;
- (e) investigate and report to the Lieutenant-Governor in Council upon any matter relating to the civil service or a civil servant referred to it by the Lieutenant-Governor in Council; and
- (f) present annually to the Lieutenant-Governor in Council a report upon the performance of its duties

during the preceding fiscal year, which report shall be laid before the Assembly at the next session of the Legislature. R.S.O. 1937, c. 15, ss. 18, 21, part, amended.

Appointments and Tenure.

- 3.—(1) The Lieutenant-Governor in Council may appoint Appoints such persons to the civil service as he may deem requisite or as may be required under any Act. R.S.O. 1937, c. 15, s. 5, amended.
- (2) A minister may appoint such persons to the civil service Temporary appoint in any department over which he presides as he may deem ments. requisite or as may be required under any Act, but any such appointment shall not be for a longer period than one year from the date thereof and shall not be renewable. R.S.O. 1937, c. 15, s. 8, amended.
- (3) No person shall be appointed as a civil servant until Certification by the Commission has certified to the Lieutenant-Governor in Commission. Council or the minister, as the case may be, that such person is qualified and has assigned him to a classification and specified the salary to which he is entitled in accordance with the regulations. New.
- 4.—(1) Every civil servant appointed before this Act comes Oaths of into force shall within six months thereafter, and every civil office and servant appointed after this Act comes into force shall before any salary is paid to him take and subscribe before the Clerk of the Executive Council or a person designated by the Lieutenant-Governor in Council, the oath of allegiance in the following form:
 - "I, do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth (or the reigning sovereign for the time being), his heirs and successors according to law. So help me God."

and the oath of office and secrecy in the following form:

- "I, do swear that I will faithfully discharge my duties as a civil servant and except as I may be legally authorized or required I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being a civil servant. So help me God."
- (2) The Clerk of the Executive Council and the persons Record of designated by the Lieutenant-Governor in Council to administer oaths shall keep records of the oaths that they administer. R.S.O. 1937, c. 15, s. 15, amended.

Age of retirement.

5. Except as otherwise provided in section 6, subsection 2 of section 18 and section 33, every civil servant shall be retired upon attaining the age of sixty-five years. *New*.

Special fitness.

- **6**.—(1) Where a civil servant or former civil servant,—
 - (a) has attained the age of sixty-five years; and
 - (b) on account of his peculiar skill and fitness for his position it is in the public interest so to do,

the Lieutenant-Governor in Council may re-appoint him, but such re-appointment shall not be for a longer period than one year at a time and shall not be renewable for more than five years in all unless such re-appointment is to a different position and does not limit the possibilities of promotion of other civil servants. R.S.O. 1937, c. 15, s. 57 (1), amended.

Present civil servants over seventy.

(2) Every civil servant who is more than seventy years of age when this Act comes into force may be re-appointed by the Lieutenant-Governor in Council, but any such re-appointment shall not be for a longer period than six months at a time and shall not be renewable for more than five years in all unless such re-appointment is to a different position and does not limit the possibilities of promotion of other civil servants. *New*.

General.

Deputy minister,—powers and duties of;

7.—(1) A deputy minister shall have the general control of his department and shall have such other powers and perform such other duties as may be assigned to him by the Lieutenant-Governor in Council. R.S.O. 1937, c. 15, s. 9 (3), part.

power to suspend;

(2) In the absence of his minister a deputy minister may suspend from employment any civil servant in his department who refuses or neglects to obey his directions. R.S.O. 1937, c. 15, s. 9 (3), part, amended.

vacancy in office.

(3) Where a deputy minister is absent or there is a vacancy in the office, the powers and duties of the deputy minister shall be exercised and performed by such civil servant as may be designated by the minister of the department. R.S.O. 1937, c. 15, s. 9 (2), amended.

Debts of civil servants.

- 8. When a creditor of a civil servant files with the Treasurer,—
 - (a) a notice that a debt or money demand of not less than \$25, not being a claim for damages, is due and owing to him from a civil servant, either on a judgment or otherwise; and

(b) such proof as the Treasurer may require that the debt or money demand is owing,

the Treasurer may deduct from the salary of the civil servant or from any money owing to him from the Crown, such amount as the Treasurer may see fit in the circumstances and pay the amount to the creditor in discharge or partial discharge of the debt or money demand. R.S.O. 1937, c. 15, s. 14, part, amended.

- **9.** The Lieutenant-Governor in Council or the Commission, Regulasubject to the approval of the Lieutenant-Governor in Council, may make regulations,—
 - (a) prescribing the procedure to be followed in the appointment of civil servants;
 - (b) designating the appointees or classes of appointees who shall not be civil servants;
 - (c) prescribing the method of classifying, re-classifying and promoting civil servants and of increasing the remuneration of civil servants and of transferring civil servants from one department to another;
 - (d) prescribing a schedule of classifications for civil servants, including qualifications, duties and salaries;
 - (e) providing for the time and manner of payment of the salaries of civil servants;
 - (f) prescribing the hours of service for civil servants;
 - (g) providing for a system of credits for the regular attendance of civil servants and for the payment to a person who has ceased to be a civil servant, or to his personal representative, of an amount equal to the value or a portion of the value of his credit;
 - (h) providing for the granting of leave of absence to civil servants;
 - (i) for regulating the conduct of civil servants, including the imposing of penalties by fine, suspension, demotion or otherwise;
 - (j) providing for the establishment of advisory, joint or departmental councils or committees and prescribing the powers and duties thereof; and
 - (k) generally for the better carrying out of this Part. R.S.O. 1937, c. 15, s. 6, amended.

Cost of administration.

10. The cost of administration of this Part shall be payable out of such moneys as may be appropriated therefor by the Legislature. R.S.O. 1937, c. 15, s. 17 (3), amended.

PART II.

SUPERANNUATION.

The Board.

Board,—
appointment
of.

11.—(1) The Board known as the Public Service Superannuation Board is continued and shall consist of three members appointed by the Lieutenant-Governor in Council, one of whom shall be the representative of and employed in the civil service.

Administration of Part II.

(2) The Board shall be responsible for the administration of this Part to the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council. R.S.O. 1937, c. 15, s. 44, amended.

The Fund

Fund continued. **12**.—(1) The Fund known as the Public Service Superannuation Fund is continued and the account in the books of the Treasurer known as the Public Service Superannuation Fund Account is continued.

Treasurer to be custodian.

(2) The Treasurer shall continue to be the custodian of the Fund. R.S.O. 1937, c. 15, s. 24 (1, 2), amended.

Make-up of Fund.

(3) The Fund shall consist of the amounts contributed by employees, and the amounts credited to the Fund out of the Consolidated Revenue Fund or otherwise under this Act. R.S.O. 1937, c. 15, s. 25, amended.

Investment of Fund.

(4) The Fund, less such amounts as may be necessary to meet current expenditures, shall, upon resolution of the Board, be invested by the Treasurer in bonds of the Province of Ontario or other securities guaranteed by the Province of Ontario.

Records.

(5) Records shall be kept by the Treasurer showing a separate account for each contributor to the Fund and for each beneficiary.

Audit.

(6) The Fund shall be audited by the Provincial Auditor or by such other auditor as the Lieutenant-Governor in Council may appoint, and the auditor shall make an annual report in respect of the preceding fiscal year to the Lieutenant-Governor in Council and the report shall be laid before the Assembly at the next session of the Legislature. R.S.O. 1937, c. 15, c. 24 (3-5), amended.

- 13.—(1) Every employee employed before this Act comes Employees' into force shall contribute to the Fund an amount equal tions. to four per centum of his salary. R.S.O. 1937, c. 15, s. 32 (1), amended.
- (2) Every employee employed on or after the day upon Idem. which this Act comes into force whose salary is less than \$1,500 shall contribute to the Fund an amount equal to five per centum of his salary.
- (3) Every employee employed on or after the day upon Idem. which this Act comes into force whose salary is \$1,500 or more shall contribute to the Fund an amount equal to six per centum of his salary. New.
- (4) The contributions shall be deducted from the salary contribuof the employee. R.S.O. 1937, c. 15, s. 32 (1), amended.

be deducted from salary.

(5) Every person who,—

Temporary employee permanently employed.

- (a) was employed temporarily and continuously up to the time of his appointment as an employee;
- (b) gives notice in writing to the Board within six months after this Act comes into force or within three months after his appointment as an employee, whichever is the later date, of his intention to pay the amount prescribed in clause c and to contribute to the Fund;
- (c) pays, or agrees to pay by way of salary deductions, an amount equal to the amount that would have been payable by him had he been appointed as an employee at the date of his appointment as a temporary emplovee together with interest at three per centum per annum upon the amount so payable,

shall be deemed to be an employee and shall be entitled to credit for the period of service represented by the payments made, in reckoning the amount of any allowance payable to him. 1946, c. 83, s. 2, amended.

- (6) Subsection 5 shall not apply to persons who, after Casual help. this Act comes into force, are appointed otherwise than as provided in section 3.
- (7) For the purposes of this section the Board shall have Date of power to determine the date of the commencement of the ment. employment of any person. New.
- 14.—(1) An employee who is granted leave of absence Leave of absence. without salary shall within six months of the termination of contributions.

the leave contribute to the Fund an amount equivalent to the deductions from his salary that would have been made if he had not been granted the leave, and where the leave,—

- (a) exceeds one month; and
- (b) is granted for a reason other than the illness of the employee,

he shall within the same period of time contribute to the Fund an additional equivalent amount which shall be in lieu of the credits provided for in section 15.

Leave for educational purposes.

(2) Where an employee is granted leave of absence without salary for educational purposes, he may make the contributions mentioned in subsection 1, in which case the contributions shall be made within a period of time that is equivalent to or less than the period of the leave, or he may elect not to make such contributions, in which case he shall not be entitled to credit for the period of the leave. *New*.

Employer's contributions,—

15.—(1) When a contribution of an employee is credited to the Fund, an equivalent amount shall be credited to the Fund out of the Consolidated Revenue Fund. R.S.O. 1937, c. 15, s. 33, amended.

designated branches,— (2) Where employees are engaged in a branch of the civil service having a special fund and the branch and fund are designated for the purpose of this subsection by the Lieutenant-Governor in Council, amounts equivalent to the contributions to the Fund of such employees shall be credited or paid to the Fund out of the designated fund in lieu of the credits to the Fund provided for in subsection 1.

boards and commissions.

(3) Where the Lieutenant-Governor in Council designates a board or commission under section 35, amounts equivalent to the contributions to the Fund of employees who are members of the permanent staff of the board or commission shall be credited to the Fund out of such moneys as may be appropriated therefor by or for the board or commission in lieu of the credits to the Fund provided for in subsection 1. New.

Interest.

16. There shall be credited to the Fund out of the Consolidated Revenue Fund interest at the rate of five per centum per annum compounded annually and such interest shall be made up at the close of each fiscal year upon the uninvested balance in the Fund at the commencement of the fiscal year. R.S.O. 1937, c. 15, s. 34, amended.

Deficiency.

17. When the amount at the credit of the Fund is insufficient to meet the payments required under this Part, the

deficiency shall be made up out of the Consolidated Revenue Fund. R.S.O. 1937, c. 15, s. 35, amended.

Types of Allowances.

18.—(1) Every employee who,—

Superannuation allowance, payable at sixty-five.

- (a) attains the age of sixty-five years; and
- (b) contributes to the Fund in respect of a period of fifteen years or more,

shall be entitled to a superannuation allowance upon his retirement. R.S.O. 1937, c. 15, s. 26, part, amended.

- (2) Notwithstanding subsection 1, every employee who Present was more than fifty-five years of age on the day upon which fifty-five or more.
 - (a) attains the age of seventy years; and
 - (b) contributes to the Fund in respect of a period of fifteen years or more or in respect of a period of ten years or more in the case of an employee whose employment began before the 25th day of June, 1937,

shall be entitled to a superannuation allowance upon his retirement. New.

Superannuation allowance, payable at sixty.

- 19. Every employee who,—
 - (a) attains the age of sixty years; and
 - (b) contributes to the Fund in respect of a period of twenty-five years or more,

shall be entitled to a superannuation allowance upon his retirement. R.S.O. 1937, c. 15, s. 26, part, amended.

Disability allowance.

- **20**.—(1) Every employee who,—
 - (a) contributes to the Fund in respect of a period of ten years or more;
 - (b) is found by the Board by reason of mental or physical incapacity to be unable to perform his duties; and
 - (c) is retired by the Lieutenant-Governor in Council,

shall be entitled to a disability allowance.

(2) The Board may review the case of any person receiving Review. a disability allowance and if, in the opinion of the Board, the

person has recovered sufficiently to perform his former or other duties the Board shall report the case to the Lieutenant-Governor in Council who may direct that he be offered reemployment.

Re-employment. (3) When a person is offered re-employment under this section and does or does not accept the offer, his disability allowance shall cease. R.S.O. 1937, c. 15, s. 26, part, amended.

Where offer not accepted.

(4) Where a person does not accept the offer of re-employment under this section and the amount of the allowance paid to him is less than the amount of his contributions with interest at three per centum per annum, the amount of the difference shall be paid to him in monthly instalments or otherwise as he may direct. *New*.

Computation of superannuation and disability allowances,—

21.—(1) The amount of every annual superannuation and disability allowance shall be computed by dividing the amount of the average annual salary of the employee during the last three years of his service by fifty and multiplying the quotient by the total number of full years and any part of a year of continuous employment including any period of temporary employment where the employment has been continuous and the employee has contributed to the Fund in respect of such period, but not more than thirty-five years of service shall be reckoned. R.S.O. 1937, c. 15, s. 37, part, amended.

maximum and minimum superannuation allowances;

- (2) In no case shall the amount of an annual superannuation allowance be,—
 - (a) more than \$3,000; or
 - (b) less than \$600, except where \$600 is greater than seventy per centum of the employee's average salary during the last three years of his service. R.S.O. 1937, c. 15, s. 37, part, amended.

maximum and minimum disability allowances.

- (3) In no case shall the amount of an annual disability allowance be,—
 - (a) more than \$3,000; or
 - (b) less than \$600 except that where the employee receives another disability allowance, grant, award or pension and his disability allowance under this Part is less than \$600, the amount of his disability allowance under this Part shall be such that he will receive a total of not less than \$600 from both sources. R.S.O. 1937, c. 15, s. 37, part, amended.

Compensation allowance on dismissal,—

22.—(1) An employee who is dismissed and who,—

- (a) attains the age of forty-five years and contributes to the Fund in respect of twenty-five years or more;
- (b) attains the age of fifty years and contributes to the Fund in respect of twenty years or more; or
- (c) attains the age of fifty-five years and contributes to the Fund in respect of fifteen years or more,

may be granted a compensation allowance by the Lieutenant-Governor in Council. R.S.O. 1937, c. 15, s. 26 (2), part, amended.

- (2) The amount of every annual compensation allowance computation shall be computed by dividing the amount of the average annual salary of the employee during the last three years of his service by seventy and multiplying the quotient by the total number of full years and any part of a year of continuous employment including any period of temporary employment where the employment has been continuous and the employee has contributed to the Fund in respect of such period, but not more than thirty-five years of service shall be reckoned. R.S.O. 1937, c. 15, s. 26 (2), part, amended.
- (3) In no case shall the amount of an annual compensation maximum. allowance be more than \$2,000. R.S.O. 1937, c. 15, s. 26 (2), part, amended.
- (4) When a person receiving a compensation allowance Increase attains the earliest age at which he would have been eligible for a superannuation allowance under section 18 or 19 had he continued to be employed, the allowance shall be computed in the manner prescribed in section 21, but the period during which he was in receipt of a compensation allowance shall not be included in such computation. R.S.O. 1937, c. 15, s. 26 (4), amended.
- (5) The allowances to widows and children of persons who Allowances were in receipt of compensation allowances under subsection 2 and children. shall be at the rate to which they would have been entitled had the employee died in the service. R.S.O. 1937, c. 15, s. 26 (5).
- (6) Subsections 4 and 5 shall not apply in the case of a person Limitations who is granted a compensation allowance after this Act comes 4.5. into force. *New*.
- 23.—(1) Where a person who has reached retiring age and Re-employ-who has been granted a superannuation allowance is re-superannuate. employed,—

- (a) payment of the allowance shall be suspended during the period of his re-employment;
- (b) he shall not make any contributions to the Fund during the period of his re-employment; and
- (c) upon his final retirement payment of the allowance shall be resumed. R.S.O. 1937, c. 15, s. 26 (3), amended.

Re-employment generally. (2) Where an employee who has been granted an allowance before attaining the age of sixty-five years is re-employed, payment of his allowance shall be suspended during the period of his re-employment but the period of re-employment shall be added to the period of his prior employment in determining the allowance to which he is entitled upon his retirement. *New*.

Refunds.

24.—(1) Where an employee who has contributed to the Fund in respect of a period of less than three years resigns or is dismissed, an amount equal to the total of his contributions shall be paid to him in monthly instalments or otherwise as he may direct.

Idem.

(2) Where an employee who has contributed to the Fund in respect of a period of three years or more resigns or is dismissed and is not entitled to any allowance, an amount equal to the total of his contributions with interest at three per centum per annum shall be paid to him in monthly instalments or otherwise as he may direct. R.S.O. 1937, c. 15, s. 30, part, amended.

Retirement or death before superannuation.

- 25. Where an employee,—
 - (a) having attained retiring age is retired; or
 - (b) dies,

before he is entitled to a superannuation allowance, twice the amount of his contributions, with interest at three per centum per annum, shall be paid to him in monthly instalments or otherwise as he may direct or to his personal representative, as the case may be. *New*.

Death of super-annuate.

26. Except as provided in section 27, where a retired employee who is in receipt of any allowance dies, an amount equal to the amount of his contributions, with interest at three per centum per annum, less the amount of the allowance paid to him, shall be paid to his personal representative. R.S.O. 1937, c. 15, s. 39, part, amended.

- 27.—(1) Where an employee who has contributed to the Where widow or Fund in respect of a period of ten years or more, or a former children employee who is in receipt of any allowance dies,—
 - (a) leaving a widow, an amount equal to,



- (i) one-half of the allowance computed in the manner provided in section 21 but based on the employee's employment to the time of his death, or
- (ii) one-half of the allowance that the former employee was receiving at the date of his death.

as the case may be, shall be paid to his widow for her life or during her widowhood, and where the widow dies or marries leaving a child or children who at the date of her death or marriage is or are under the age of eighteen years, an amount equal to that paid to the widow shall be paid to the child or children until such age is attained; or

(b) leaving no widow but leaving a child or children under the age of eighteen years, an amount equal to,



- (i) one-half of the allowance computed in the manner provided in section 21 but based on the employee's employment to the time of his death, or
- (ii) one-half of the allowance that the former employee was receiving at the date of his death,

as the case may be, shall be paid to such child or children until such age is attained.

- (2) Where the payments made under subsection 1 or the where payamount of the allowance and any payments made under sub-than consection 1, as the case may be, are less than the amount of the tributions contributions of the employee with interest at three per centum per annum, the amount of the difference shall be paid to his personal representative.
- (3) Subsection 1 shall not apply to the widow of an em-Exceptions. ployee if she married him after he attained the age of sixty years or after the date of his retirement, or to the children of such widow.
- (4) Where the employee or former employee is a widow, where subsection 1 shall apply *mutatis mutandis* to her child or employee children. R.S.O. 1937, c. 15, s. 39, part, amended.

Payment of Allowances.

Payments out.

28.—(1) No payment shall be made out of the Fund until the Board has determined that the payment is in accordance with this Part. R.S.O. 1937, c. 15, s. 45, amended.

Idem.

(2) Every payment out of the Fund shall be made by cheque of the Treasurer issued upon the requisition in writing of the chairman or secretary of the Board and every such requisition shall be sufficient authority for all purposes for the issue of the cheque so requisitioned. R.S.O. 1937, c. 15, s. 49 (2), amended.

Payment of allowances.

29. Allowances shall be paid in monthly instalments. R.S.O. 1937, c. 15, s. 41, amended.

No attachment, etc. **30**. The interest of any employee in the Fund and any allowance payable out of the Fund shall not be subject to garnishment, attachment, seizure or other process of law and shall not be assignable. R.S.O. 1937, c. 15, s. 42, amended.

When employee indebted to Crown.

31. When a person ceases to be an employee and is indebted to the Crown, the amount owing shall be deducted from any payments to which he may be entitled under this Part. R.S.O. 1937, c. 15, s. 30 (2), amended.

Extended Application.

Sheriffs, persons engaged in administration of justice;

- 32.—(1) This Part shall apply to,—
 - (a) every sheriff; and
 - (b) every person or class of persons connected with the administration of justice that may be designated by the Lieutenant-Governor in Council,

whether paid by fees or salary or partly by fees and partly by salary.

computation of contributions.

(2) Where a sheriff or person or class of persons designated under subsection 1 is paid by fees or partly by fees, the contributions payable under this Part in respect of fees shall be computed upon the net income, within the meaning of *The Public Officers' Fees Act*, payable for the preceding year in respect of the office occupied by him and the allowances shall be computed accordingly. R.S.O. 1937, c. 15, ss. 53, 54, part, amended.

Rev. Stat., c. 18.

Magistrates. 33.—(1) This Part shall apply to every full-time magis-Rev. Stat.. trate except that *The Magistrates Act* shall govern the age of retirement of magistrates. 1941, c. 46, s. 4.

- (2) Every magistrate who receives a stated annual salary Certain magistrates from the municipality to which he is assigned and who was option. appointed on or before the 1st day of January, 1941, and who,—
 - (a) gives notice in writing to the Board within sixty days after this Act comes into force of his intention to pay an amount equal to the amount that would have been payable by him had he contributed to the Fund from the date of his appointment; and
 - (b) pays or agrees to pay by way of salary deductions the amount mentioned in clause a together with interest thereon at three per centum per annum,

shall be deemed to be an employee in respect of the period of service represented by the payments so made and shall be entitled to credit for such period in reckoning the amount of any allowance payable to him. *New*.

- 34.—(1) Where a teacher or inspector who is a contributor Teacher or to the teachers' and inspectors' superannuation fund under becoming The Teachers' and Inspectors' Superannuation Act, 1946,—employee.

 1946. c. 96.
 - (a) becomes an employee; and
 - (b) within sixty days from the date of his appointment makes a written request to The Teachers' and Inspectors' Superannuation Commission and to the Board,

an amount equal to his contributions and credits in the teachers' and inspectors' superannuation fund, with interest at the rate of four and three-quarters per centum per annum, shall be transferred to the Fund from the teachers' and inspectors' superannuation fund and where he does not make such request this Part shall not apply to him. R.S.O. 1937, c. 15, s. 52 (2), amended.

- (2) Where a teacher or inspector is an employee when this Credits. Act comes into force or where a teacher or inspector becomes an employee after this Act comes into force and makes a written request under subsection 1, he shall be entitled to credit in the Fund in respect of the number of years of service that is equal to the number obtained by dividing one-half of the amount transferred to the Fund from the teachers' and inspectors' superannuation fund by a number,—
 - (a) that is equal to four per centum of the amount of his annual salary upon his appointment as an employee where he became an employee before this Act came into force; or

(b) that is equal to six per centum of the amount of his annual salary upon his appointment as an employee where he becomes an employee after this Act comes into force. R.S.O. 1937, c. 15, s. 52 (3), amended.

Employee becoming teacher or inspector. 1946, c. 96.

(3) Where an employee becomes employed as a teacher or inspector within the meaning of *The Teachers' and Inspectors'* Superannuation Act, 1946, his contributions and credits in the Fund, together with interest at the rate of four and three-quarters per centum per annum shall be transferred to the teachers' and inspectors' superannuation fund. 1943, c. 28, s. 33, amended.

Application of Part.

35. This Part shall apply to the permanent staff of any board or commission established under any Act of this Legislature that may be designated by the Lieutenant-Governor in Council. R.S.O. 1937, c. 15, s. 55, amended.

Arrangements for payment,— **36.** Subject to the approval of the Lieutenant-Governor in Council, the Board may make such agreements as may be deemed advisable for the purpose of providing,—

out of Fund into another superannuation fund;

(a) that where an employee is appointed to the civil service of the Government of Canada, or the staff of any board, commission or public institution established under any Act of this Legislature, an amount equal to his contributions and credits under this Act, or any portion thereof, with interest thereon at such rate as may be agreed upon, shall be paid out of the Fund into any corresponding fund that is maintained to provide superannuation benefits for members of such civil service or staff, as the case may be; and

into Fund out of another superannuation fund. (b) that where a person employed in the civil service of the Government of Canada or on the staff of any board, commission or public institution established under any Act of this Legislature is appointed an employee, an amount shall be paid into the Fund in respect of the period during which such person was employed in the civil service of the Government of Canada, or on the staff of such board, commission or public institution, as the case may be, and allowing him credit under this Part in respect of such amount and the period of employment represented thereby. 1941, c. 46, s. 2, part, amended.

General.

Annual statement to Assembly. Governor in Council a report with respect to the preceding fiscal year showing,—

- (a) the names of the employees that have died or retired;
- (b) the position held by each of them;
- (c) the amount of salary payable to each of them at the time of death or retirement;
- (d) the age of each of them at death or retirement;
- (e) the cause of retirement;
- (f) the amount of the superannuation or other allowance payable in each case; and
- (g) all other payments authorized under this Part and particulars thereof,

which report shall be laid before the Assembly at the next session of the Legislature. R.S.O. 1937, c. 15, s. 50, part, amended.

- **38.** The Lieutenant-Governor in Council or the Board, Regulations subject to the approval of the Lieutenant-Governor in Council, may make regulations,—
 - (a) prescribing the proofs to be furnished as a condition to the payment of an allowance;
 - (b) prescribing the times at which and the manner in which contributions to the Fund shall be made by any class of employees with respect to which special circumstances exist;
 - (c) determining the maximum number of years of contribution to the Fund, the maximum amount of contribution to the Fund or the maximum salary on which contributions shall be reckoned; and
 - (d) generally for the better carrying out of this Part. R.S.O. 1937, c. 15, s. 46, part, amended.
- **39**. The cost of administration of this Part shall be payable Cost of out of such moneys as may be appropriated therefor by the tion. Legislature. R.S.O. 1937, c. 15, s. 36, amended.
 - **40**. The passing of this Act shall not operate to,—

Existing allowances.

(a) increase or decrease the amount of any allowance that is being paid when this Act comes into force; or

(b) affect any right to an allowance created under any predecessor of this Act and where there is any such right, the provisions of this Act shall apply mutatis mutandis thereto. New.

Payments re members of forces.

41. All payments into the Fund made in respect of an employee for any period during which he was a member of His Majesty's forces are confirmed. New.

REPEAL.

Rev. Stat., c. 15; 1938, c. 37, s. 21; 1941, c. 46; 1943, c. 28, s. 33; 1946, c. 83, rec. 83, repealed.

42. The Public Service Act, section 21 of The Statute Law Amendment Act, 1938, The Public Service Amendment Act, 1941, section 33 of The Statute Law Amendment Act, 1943, and The Public Service Amendment Act, 1946, are repealed.

COMMENCEMENT OF ACT.

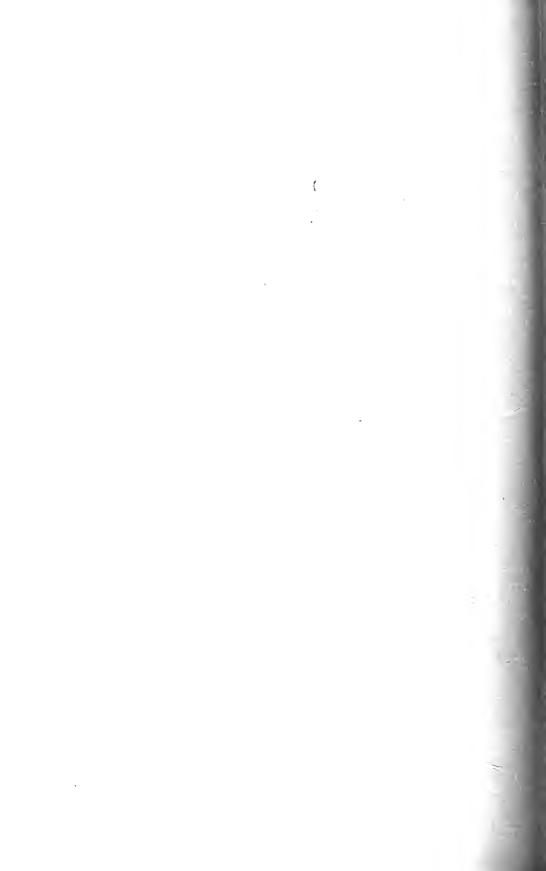
43. This Act shall come into force on a day to be named by ment of Act. the Lieutenant-Governor by his Proclamation.

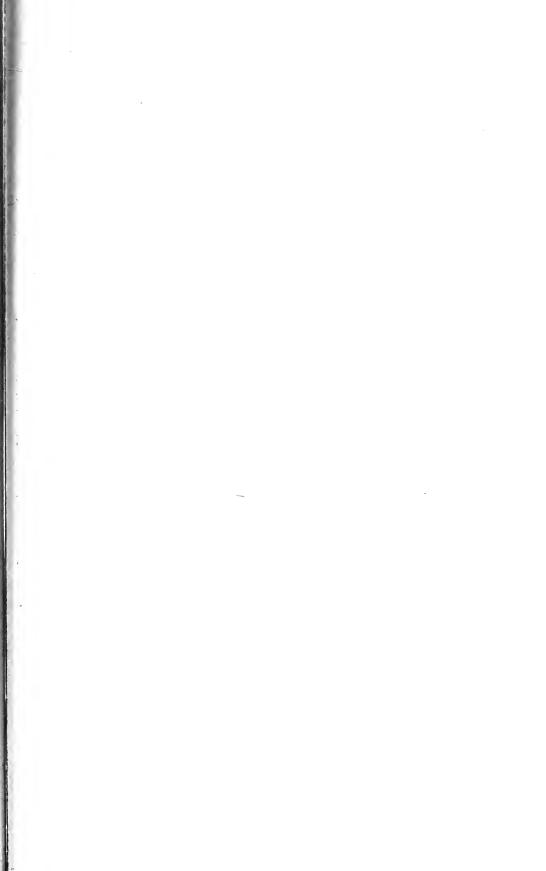
SHORT TITLE.

Short title.

44. This Act may be cited as The Public Service Act, 1947.







BILL

The Public Service Act, 1947.

1st Reading

October 27th, 1947

2nd Reading October 28th, 1947

3rd Reading

MR. MICHENER

(Reprinted as amended in Committee of the Whole House.)

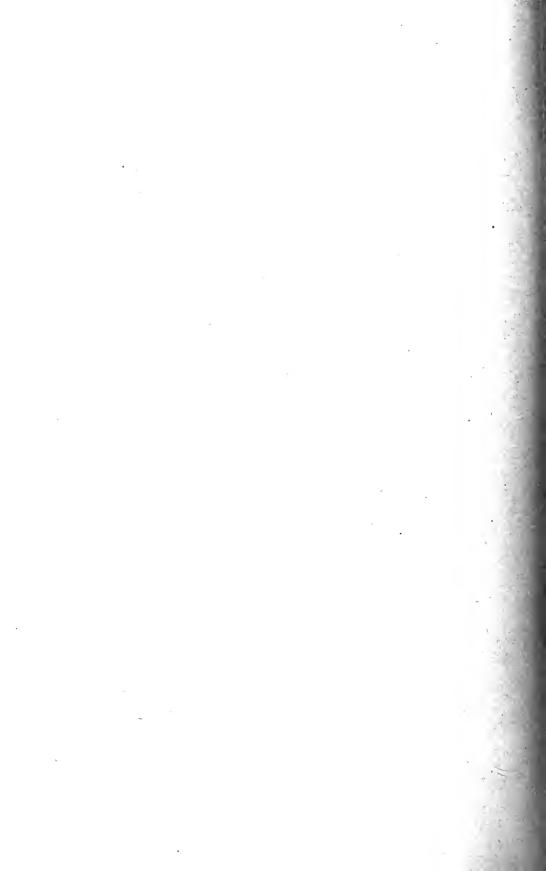
3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

The Public Service Act, 1947.

MR. MICHENER

TORONTO
PRINTED AND PUBLISHED BY BAPTIST JOHNSTON
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BILL

The Public Service Act, 1947.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1.—(1) In this Act,—

Interpretation,—

- (a) "Board" shall mean Public Service Superannuation "Board"; Board;
- (b) "child" shall include adopted child and step-child; "child";
- (c) "civil servant" shall mean a person appointed to the "civil servant"; civil service of the Crown by the Lieutenant-Governor service"; in Council or by a minister but shall not include the persons or classes of persons designated by the regulations made under Part I, and "civil service" shall have a corresponding meaning;
- (d) "Commission" shall mean Civil Service Commission; "Commission"; sion";
- (e) "Crown" shall mean Crown in right of Ontario; "Crown";
- (f) "employee" shall mean a person who is appointed a "employee"; civil servant by the Lieutenant-Governor in Council but shall not include a person who is entitled to benefit from any other superannuation fund to which the Crown contributes, and "employed" shall have a corresponding meaning;
- (g) "Fund" shall mean Public Service Superannuation "Fund"; Fund; and
- (h) "Treasurer" shall mean Treasurer of Ontario. R.S.O. "Treasurer". 1937, c. 15, ss. 1, 23, amended.
- (2) For the purposes of Part II, where any computation Computation involves part of a year, such computation shall be made on a year. monthly basis and,—

- (a) any part of a month less than fifteen days shall be disregarded; and
- (b) any part of a month not less than fifteen days shall be deemed to be a month. New.

PART I.

THE PUBLIC SERVICE.

The Commission.

Civil Service Commission to be known as the Commission Civil Service Commission consisting of not more than three persons appointed by the Lieutenant-Governor in Council, one of whom may be appointed chairman. R.S.O. 1937, c. 15, s. 17 (1), amended.

Duties of Commission. (2) The Commission shall,—

- (a) examine and pass upon the qualifications of nominees for the civil service;
- (b) assign nominees for the civil service and civil servants to classifications prescribed by the regulations and specify the salary payable;
- (c) determine the value of perquisites granted to civil servants;
- (d) study the organization and administration of the staffs of the departments and make such recommendations to the Lieutenant-Governor in Council as it deems proper with respect to,
 - (i) the organization and administration methods in any department,
 - (ii) the co-ordination of the work of the departments, and
 - (iii) generally, the improvement of the civil service;
- (e) investigate and report to the Lieutenant-Governor in Council upon any matter relating to the civil service or a civil servant referred to it by the Lieutenant-Governor in Council; and
- (f) present annually to the Lieutenant-Governor in Council a report upon the performance of its duties

during the preceding fiscal year, which report shall be laid before the Assembly at the next session of the Legislature. R.S.O. 1937, c. 15, ss. 18, 21, part, amended

Appointments and Tenure.

- 3.—(1) The Lieutenant-Governor in Council may appoint Appointsuch persons to the civil service as he may deem requisite or as may be required under any Act. R.S.O. 1937, c. 15, s. 5. amended.
- (2) A minister may appoint such persons to the civil service Temporary appointin any department over which he presides as he may deem ments. requisite or as may be required under any Act, but any such appointment shall not be for a longer period than one year from the date thereof and shall not be renewable. R.S.O. 1937, c. 15, s. 8, amended.
- (3) No person shall be appointed as a civil servant until Certification by the Commission has certified to the Lieutenant-Governor in Commission. Council or the minister, as the case may be, that such person is qualified and has assigned him to a classification and specified the salary to which he is entitled in accordance with the regulations. New.

4.—(1) Every civil servant appointed before this Act comes Oaths of allegiance. into force shall within six months thereafter, and every civil office and servant appointed after this Act comes into force shall before any salary is paid to him take and subscribe before the Clerk of the Executive Council or a person designated by the Lieutenant-Governor in Council, the oath of allegiance in the following form:

, do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth (or the reigning sovereign for the time being), his heirs and successors according to law. So help me God."

and the oath of office and secrecy in the following form:

- "I, do swear that I will faithfully discharge my duties as a civil servant and except as I may be legally authorized or required I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being a civil servant. So help me God.'
- (2) The Clerk of the Executive Council and the persons Record of oaths. designated by the Lieutenant-Governor in Council to administer oaths shall keep records of the oaths that they administer. R.S.O. 1937, c. 15, s. 15, amended.

Age of retirement.

5. Except as otherwise provided in section 6, subsection 2 of section 18 and section 33, every civil servant shall be retired upon attaining the age of sixty-five years. *New*.

Special fitness.

- 6.—(1) Where a civil servant or former civil servant,—
 - (a) has attained the age of sixty-five years; and
 - (b) on account of his peculiar skill and fitness for his position it is in the public interest so to do,

the Lieutenant-Governor in Council may re-appoint him, but such re-appointment shall not be for a longer period than one year at a time and shall not be renewable for more than five years in all unless such re-appointment is to a different position and does not limit the possibilities of promotion of other civil servants. R.S.O. 1937, c. 15, s. 57 (1), amended.

Present civil servants over seventy.

(2) Every civil servant who is more than seventy years of age when this Act comes into force may be re-appointed by the Lieutenant-Governor in Council, but any such re-appointment shall not be for a longer period than six months at a time and shall not be renewable for more than five years in all unless such re-appointment is to a different position and does not limit the possibilities of promotion of other civil servants. New.

General.

Deputy minister, powers and duties of; 7.—(1) A deputy minister shall have the general control of his department and shall have such other powers and perform such other duties as may be assigned to him by the Lieutenant-Governor in Council. R.S.O. 1937, c. 15, s. 9 (3), part.

power to suspend;

(2) In the absence of his minister a deputy minister may suspend from employment any civil servant in his department who refuses or neglects to obey his directions. R.S.O. 1937, c. 15, s. 9 (3), part, amended.

vacancy in office.

(3) Where a deputy minister is absent or there is a vacancy in the office, the powers and duties of the deputy minister shall be exercised and performed by such civil servant as may be designated by the minister of the department. R.S.O. 1937, c. 15, s. 9 (2), amended.

Debts of civil servants.

- **8.** When a creditor of a civil servant files with the Treasurer,—
 - (a) a notice that a debt or money demand of not less than \$25, not being a claim for damages, is due and owing to him from a civil servant, either on a judgment or otherwise; and

(b) such proof as the Treasurer may require that the debt or money demand is owing,

the Treasurer may deduct from the salary of the civil servant or from any money owing to him from the Crown, such amount as the Treasurer may see fit in the circumstances and pay the amount to the creditor in discharge or partial discharge of the debt or money demand. R.S.O. 1937, c. 15, s. 14, part, amended.

- **9**. The Lieutenant-Governor in Council or the Commission, Regulasubject to the approval of the Lieutenant-Governor in Council, may make regulations,—
 - (a) prescribing the procedure to be followed in the appointment of civil servants;
 - (b) designating the appointees or classes of appointees who shall not be civil servants;
 - (c) prescribing the method of classifying, re-classifying and promoting civil servants and of increasing the remuneration of civil servants and of transferring civil servants from one department to another;
 - (d) prescribing a schedule of classifications for civil servants, including qualifications, duties and salaries;
 - (e) providing for the time and manner of payment of the salaries of civil servants;
 - (f) prescribing the hours of service for civil servants;
 - (g) providing for a system of credits for the regular attendance of civil servants and for the payment to a person who has ceased to be a civil servant, or to his personal representative, of an amount equal to the value or a portion of the value of his credit;
 - (h) providing for the granting of leave of absence to civil servants:
 - (i) for regulating the conduct of civil servants, including the imposing of penalties by fine, suspension, demotion or otherwise:
 - (j) providing for the establishment of advisory, joint or departmental councils or committees and prescribing the powers and duties thereof; and
 - (k) generally for the better carrying out of this Part. R.S.O. 1937, c. 15, s. 6, amended.

Cost of administration.

10. The cost of administration of this Part shall be payable out of such moneys as may be appropriated therefor by the Legislature. R.S.O. 1937, c. 15, s. 17 (3), amended.

PART II.

SUPERANNUATION.

The Board.

Board, appointment of.

11.—(1) The Board known as the Public Service Superannuation Board is continued and shall consist of three members appointed by the Lieutenant-Governor in Council, one of whom shall be the representative of and employed in the civil service.

Administration of Part II.

(2) The Board shall be responsible for the administration of this Part to the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council. R.S.O. 1937, c. 15, s. 44, amended.

The Fund.

Fund continued. **12**.—(1) The Fund known as the Public Service Superannuation Fund is continued and the account in the books of the Treasurer known as the Public Service Superannuation Fund Account is continued.

Treasurer to be custodian.

(2) The Treasurer shall continue to be the custodian of the Fund. R.S.O. 1937, c. 15, s. 24 (1, 2), amended.

Make-up of Fund.

(3) The Fund shall consist of the amounts contributed by employees, and the amounts credited to the Fund out of the Consolidated Revenue Fund or otherwise under this Act. R.S.O. 1937, c. 15, s. 25, amended.

Investment of Fund.

(4) The Fund, less such amounts as may be necessary to meet current expenditures, shall, upon resolution of the Board, be invested by the Treasurer in bonds of the Province of Ontario or other securities guaranteed by the Province of Ontario.

Records.

(5) Records shall be kept by the Treasurer showing a separate account for each contributor to the Fund and for each beneficiary.

Audit.

(6) The Fund shall be audited by the Provincial Auditor or by such other auditor as the Lieutenant-Governor in Council may appoint, and the auditor shall make an annual report in respect of the preceding fiscal year to the Lieutenant-Governor in Council and the report shall be laid before the Assembly at the next session of the Legislature. R.S.O. 1937, c. 15, c. 24 (3-5), amended.

13.—(1) Every employee employed before this Act comes Employees' into force shall contribute to the Fund an amount equal tions. to four per centum of his salary. R.S.O. 1937, c. 15, s. 32 (1), amended.

- (2) Every employee employed on or after the day upon Idem. which this Act comes into force whose salary is less than \$1,500 shall contribute to the Fund an amount equal to five per centum of his salary.
- (3) Every employee employed on or after the day upon ^{Idem} which this Act comes into force whose salary is \$1,500 or more shall contribute to the Fund an amount equal to six per centum of his salary. *New*.
- (4) The contributions shall be deducted from the salary tions to of the employee. R.S.O. 1937, c. 15, s. 32 (1), amended. Contributions to be deducted from salary.
 - (5) Every person who,—

Temporary employee permanently employed.

- (a) was employed temporarily and continuously up to the time of his appointment as an employee;
- (b) gives notice in writing to the Board within six months after this Act comes into force or within three months after his appointment as an employee, whichever is the later date, of his intention to pay the amount prescribed in clause c and to contribute to the Fund;
- (c) pays, or agrees to pay by way of salary deductions, an amount equal to the amount that would have been payable by him had he been appointed as an employee at the date of his appointment as a temporary employee together with interest at three per centum per annum upon the amount so payable,

shall be deemed to be an employee and shall be entitled to credit for the period of service represented by the payments made, in reckoning the amount of any allowance payable to him. 1946, c. 83, s. 2, amended.

- (6) Subsection 5 shall not apply to persons who, after Casual this Act comes into force, are appointed otherwise than as provided in section 3.
- (7) For the purposes of this section the Board shall have Date of power to determine the date of the commencement of the ment. employment of any person. *New*.
- 14.—(1) An employee who is granted leave of absence Leave of absence,—without salary shall within six months of the termination of contributions.

the leave contribute to the Fund an amount equivalent to the deductions from his salary that would have been made if he had not been granted the leave, and where the leave,—

- (a) exceeds one month; and
- (b) is granted for a reason other than the illness of the employee,

he shall within the same period of time contribute to the Fund an additional equivalent amount which shall be in lieu of the credits provided for in section 15.

Leave for educational purposes.

(2) Where an employee is granted leave of absence without salary for educational purposes, he may make the contributions mentioned in subsection 1, in which case the contributions shall be made within a period of time that is equivalent to or less than the period of the leave, or he may elect not to make such contributions, in which case he shall not be entitled to credit for the period of the leave. *New*.

Employer's contributions,—

15.—(1) When a contribution of an employee is credited to the Fund, an equivalent amount shall be credited to the Fund out of the Consolidated Revenue Fund. R.S.O. 1937, c. 15, s. 33, amended.

designated branches,— (2) Where employees are engaged in a branch of the civil service having a special fund and the branch and fund are designated for the purpose of this subsection by the Lieutenant-Governor in Council, amounts equivalent to the contributions to the Fund of such employees shall be credited or paid to the Fund out of the designated fund in lieu of the credits to the Fund provided for in subsection 1.

boards and commissions.

(3) Where the Lieutenant-Governor in Council designates a board or commission under section 35, amounts equivalent to the contributions to the Fund of employees who are members of the permanent staff of the board or commission shall be credited to the Fund out of such moneys as may be appropriated therefor by or for the board or commission in lieu of the credits to the Fund provided for in subsection 1. New.

Interest.

16. There shall be credited to the Fund out of the Consolidated Revenue Fund interest at the rate of five per centum per annum compounded annually and such interest shall be made up at the close of each fiscal year upon the uninvested balance in the Fund at the commencement of the fiscal year. R.S.O. 1937, c. 15, s. 34, amended.

Deficiency.

17. When the amount at the credit of the Fund is insufficient to meet the payments required under this Part, the

deficiency shall be made up out of the Consolidated Revenue Fund. R.S.O. 1937, c. 15, s. 35, amended.

Types of Allowances.

18.—(1) Every employee who,—

Superannuation allowance, payable at sixty-five.

- (a) attains the age of sixty-five years; and
- (b) contributes to the Fund in respect of a period of fifteen years or more,

shall be entitled to a superannuation allowance upon his retirement. R.S.O. 1937, c. 15, s. 26, part, amended.

- (2) Notwithstanding subsection 1, every employee who Present was more than fifty-five years of age on the day upon which fifty-five or more.
 - (a) attains the age of seventy years; and
 - (b) contributes to the Fund in respect of a period of fifteen years or more or in respect of a period of ten years or more in the case of an employee whose employment began before the 25th day of June, 1937,

shall be entitled to a superannuation allowance upon his retirement. New.

19. Every employee who,—

Superannuation allowance, payable at sixty.

- (a) attains the age of sixty years; and
- (b) contributes to the Fund in respect of a period of twenty-five years or more,

shall be entitled to a superannuation allowance upon his retirement. R.S.O. 1937, c. 15, s. 26, part, amended.

20.—(1) Every employee who,—

Disability allowance.

- (a) contributes to the Fund in respect of a period of ten years or more;
- (b) is found by the Board by reason of mental or physical incapacity to be unable to perform his duties; and
- (c) is retired by the Lieutenant-Governor in Council,

shall be entitled to a disability allowance.

(2) The Board may review the case of any person receiving Review. a disability allowance and if, in the opinion of the Board, the

person has recovered sufficiently to perform his former or other duties the Board shall report the case to the Lieutenant-Governor in Council who may direct that he be offered reemployment.

Re-employment. (3) When a person is offered re-employment under this section and does or does not accept the offer, his disability allowance shall cease. R.S.O. 1937, c. 15, s. 26, part, amended.

Where offer not accepted.

(4) Where a person does not accept the offer of re-employment under this section and the amount of the allowance paid to him is less than the amount of his contributions with interest at three per centum per annum, the amount of the difference shall be paid to him in monthly instalments or otherwise as he may direct. *New*.

Computation of superannuation and disability allowances,—

21.—(1) The amount of every annual superannuation and disability allowance shall be computed by dividing the amount of the average annual salary of the employee during the last three years of his service by fifty and multiplying the quotient by the total number of full years and any part of a year of continuous employment including any period of temporary employment where the employment has been continuous and the employee has contributed to the Fund in respect of such period, but not more than thirty-five years of service shall be reckoned. R.S.O. 1937, c. 15, s. 37, part, amended.

maximum and minimum superannuation allowances;

- (2) In no case shall the amount of an annual superannuation allowance be,—
 - (a) more than \$3,000; or
 - (b) less than \$600, except where \$600 is greater than seventy per centum of the employee's average salary during the last three years of his service. R.S.O. 1937, c. 15, s. 37, part, amended.

maximum and minimum disability allowances.

- (3) In no case shall the amount of an annual disability allowance be,—
 - (a) more than \$3,000; or
 - (b) less than \$600 except that where the employee receives another disability allowance, grant, award or pension and his disability allowance under this Part is less than \$600, the amount of his disability allowance under this Part shall be such that he will receive a total of not less than \$600 from both sources. R.S.O. 1937, c. 15, s. 37, part, amended.

Compensation allowance on dismissal.—

22.—(1) An employee who is dismissed and who,—

- (a) attains the age of forty-five years and contributes to the Fund in respect of twenty-five years or more;
- (b) attains the age of fifty years and contributes to the Fund in respect of twenty years or more; or
- (c) attains the age of fifty-five years and contributes to the Fund in respect of fifteen years or more,

may be granted a compensation allowance by the Lieutenant-Governor in Council. R.S.O. 1937, c. 15, s. 26 (2), part, amended.

- (2) The amount of every annual compensation allowance computation shall be computed by dividing the amount of the average annual salary of the employee during the last three years of his service by seventy and multiplying the quotient by the total number of full years and any part of a year of continuous employment including any period of temporary employment where the employment has been continuous and the employee has contributed to the Fund in respect of such period, but not more than thirty-five years of service shall be reckoned. R.S.O. 1937, c. 15, s. 26 (2), part, amended.
- (3) In no case shall the amount of an annual compensation maximum allowance be more than \$2,000. R.S.O. 1937, c. 15, s. 26 (2), part, amended.
- (4) When a person receiving a compensation allowance Increase attains the earliest age at which he would have been eligible for a superannuation allowance under section 18 or 19 had he continued to be employed, the allowance shall be computed in the manner prescribed in section 21, but the period during which he was in receipt of a compensation allowance shall not be included in such computation. R.S.O. 1937, c. 15, s. 26 (4), amended.
- (5) The allowances to widows and children of persons who Allowances were in receipt of compensation allowances under subsection 2 and children. shall be at the rate to which they would have been entitled had the employee died in the service. R.S.O. 1937, c. 15, s. 26 (5).
- (6) Subsections 4 and 5 shall not apply in the case of a person Limitations who is granted a compensation allowance after this Act comes $_{4, 5}^{\text{of subss.}}$ into force. *New*.
- **23.**—(1) Where a person who has reached retiring age and Re-employment of who has been granted a superannuation allowance is re-superannuate. employed,—

- (a) payment of the allowance shall be suspended during the period of his re-employment;
- (b) he shall not make any contributions to the Fund during the period of his re-employment; and
- (c) upon his final retirement payment of the allowance shall be resumed. R.S.O. 1937, c. 15, s. 26 (3), amended.

Re-employment generally. (2) Where an employee who has been granted an allowance before attaining the age of sixty-five years is re-employed, payment of his allowance shall be suspended during the period of his re-employment but the period of re-employment shall be added to the period of his prior employment in determining the allowance to which he is entitled upon his retirement. *New*.

Refunds.

24.—(1) Where an employee who has contributed to the Fund in respect of a period of less than three years resigns or is dismissed, an amount equal to the total of his contributions shall be paid to him in monthly instalments or otherwise as he may direct.

Idem.

(2) Where an employee who has contributed to the Fund in respect of a period of three years or more resigns or is dismissed and is not entitled to any allowance, an amount equal to the total of his contributions with interest at three per centum per annum shall be paid to him in monthly instalments or otherwise as he may direct. R.S.O. 1937, c. 15, s. 30, part, amended.

Retirement or death before superannuation.

- 25. Where an employee,—
 - (a) having attained retiring age is retired; or
 - (b) dies,

before he is entitled to a superannuation allowance, twice the amount of his contributions, with interest at three per centum per annum, shall be paid to him in monthly instalments or otherwise as he may direct or to his personal representative, as the case may be. *New*.

Death of super-annuate.

26. Except as provided in section 27, where a retired employee who is in receipt of any allowance dies, an amount equal to the amount of his contributions, with interest at three per centum per annum, less the amount of the allowance paid to him, shall be paid to his personal representative. R.S.O. 1937, c. 15, s. 39, part, amended.

- 27.—(1) Where an employee who has contributed to the Where widow or Fund in respect of a period of ten years or more, or a former children employee who is in receipt of any allowance dies,—
 - (a) leaving a widow, an amount equal to,
 - (i) one-half of the allowance computed in the manner provided in section 21 but based on the employee's employment to the time of his death, or
 - (ii) one-half of the allowance that the former employee was receiving at the date of his death,

as the case may be, shall be paid to his widow for her life or during her widowhood, and where the widow dies or marries leaving a child or children who at the date of her death or marriage is or are under the age of eighteen years, an amount equal to that paid to the widow shall be paid to the child or children until such age is attained; or

- (b) leaving no widow but leaving a child or children under the age of eighteen years, an amount equal to,
 - (i) one-half of the allowance computed in the manner provided in section 21 but based on the employee's employment to the time of his death, or
 - (ii) one-half of the allowance that the former employee was receiving at the date of his death,

as the case may be, shall be paid to such child or children until such age is attained.

- (2) Where the payments made under subsection 1 or the where payamount of the allowance and any payments made under sub-ments less section 1, as the case may be, are less than the amount of the tributions. contributions of the employee with interest at three per centum per annum, the amount of the difference shall be paid to his personal representative.
- (3) Subsection 1 shall not apply to the widow of an em-Exceptions. ployee if she married him after he attained the age of sixty years or after the date of his retirement, or to the children of such widow.
- (4) Where the employee or former employee is a widow, where subsection 1 shall apply mutatis mutandis to her child or employee children. R.S.O. 1937, c. 15, s. 39, part, amended.

Payment of Allowances.

Payments out.

28.—(1) No payment shall be made out of the Fund until the Board has determined that the payment is in accordance with this Part. R.S.O. 1937, c. 15, s. 45, amended.

Idem.

(2) Every payment out of the Fund shall be made by cheque of the Treasurer issued upon the requisition in writing of the chairman or secretary of the Board and every such requisition shall be sufficient authority for all purposes for the issue of the cheque so requisitioned. R.S.O. 1937, c. 15, s. 49 (2), amended.

Payment of allowances.

29. Allowances shall be paid in monthly instalments. R.S.O. 1937, c. 15, s. 41, amended.

No attachment, etc.

30. The interest of any employee in the Fund and any allowance payable out of the Fund shall not be subject to garnishment, attachment, seizure or other process of law and shall not be assignable. R.S.O. 1937, c. 15, s. 42, amended.

When employee indebted to Crown.

31. When a person ceases to be an employee and is indebted to the Crown, the amount owing shall be deducted from any payments to which he may be entitled under this Part. R.S.O. 1937, c. 15, s. 30 (2), amended.

Extended Application.

Sheriffs. persons engaged in administration of justice;

- **32**.—(1) This Part shall apply to,—
 - (a) every sheriff; and
 - (b) every person or class of persons connected with the administration of justice that may be designated by the Lieutenant-Governor in Council,

whether paid by fees or salary or partly by fees and partly by salary.

computation of contributions.

(2) Where a sheriff or person or class of persons designated under subsection 1 is paid by fees or partly by fees, the contributions payable under this Part in respect of fees shall be computed upon the net income, within the meaning of The Public Officers' Fees Act, payable for the preceding year in respect of the office occupied by him and the allowances shall be computed accordingly. R.S.O. 1937, c. 15, ss. 53, 54, part, amended.

Rev. Stat .. c. 18.

Rev. Stat., c. 133.

Magistrates. **33**.—(1) This Part shall apply to every full-time magistrate except that The Magistrates Act shall govern the age of retirement of magistrates. 1941, c. 46, s. 4.

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- (2) Every magistrate who receives a stated annual salary Certain from the municipality to which he is assigned and who was option. appointed on or before the 1st day of January, 1941, and who,—
 - (a) gives notice in writing to the Board within sixty days after this Act comes into force of his intention to pay an amount equal to the amount that would have been payable by him had he contributed to the Fund from the date of his appointment; and
 - (b) pays or agrees to pay by way of salary deductions the amount mentioned in clause a together with interest thereon at three per centum per annum,

shall be deemed to be an employee in respect of the period of service represented by the payments so made and shall be entitled to credit for such period in reckoning the amount of any allowance payable to him. *New*.

- 34.—(1) Where a teacher or inspector who is a contributor Teacher or to the teachers' and inspectors' superannuation fund under becoming The Teachers' and Inspectors' Superannuation Act, 1946,—employee.

 1946, c. 96.
 - (a) becomes an employee; and
 - (b) within sixty days from the date of his appointment makes a written request to The Teachers' and Inspectors' Superannuation Commission and to the Board,

an amount equal to his contributions and credits in the teachers' and inspectors' superannuation fund, with interest at the rate of four and three-quarters per centum per annum, shall be transferred to the Fund from the teachers' and inspectors' superannuation fund and where he does not make such request this Part shall not apply to him. R.S.O. 1937, c. 15, s. 52 (2), amended.

- (2) Where a teacher or inspector is an employee when this Credits. Act comes into force or where a teacher or inspector becomes an employee after this Act comes into force and makes a written request under subsection 1, he shall be entitled to credit in the Fund in respect of the number of years of service that is equal to the number obtained by dividing one-half of the amount transferred to the Fund from the teachers' and inspectors' superannuation fund by a number,—
 - (a) that is equal to four per centum of the amount of his annual salary upon his appointment as an employee where he became an employee before this Act came into force; or

(b) that is equal to six per centum of the amount of his annual salary upon his appointment as an employee where he becomes an employee after this Act comes into force. R.S.O. 1937, c. 15, s. 52 (3), amended.

Employee becoming teacher or inspector. 1946, c. 96.

(3) Where an employee becomes employed as a teacher or inspector within the meaning of *The Teachers' and Inspectors' Superannuation Act*, 1946, his contributions and credits in the Fund, together with interest at the rate of four and three-quarters per centum per annum shall be transferred to the teachers' and inspectors' superannuation fund. 1943, c. 28, s. 33, amended.

Application of Part.

35. This Part shall apply to the permanent staff of any board or commission established under any Act of this Legislature that may be designated by the Lieutenant-Governor in Council. R.S.O. 1937, c. 15, s. 55, amended.

Arrangements for payment,— **36**. Subject to the approval of the Lieutenant-Governor in Council, the Board may make such agreements as may be deemed advisable for the purpose of providing,—

out of Fund into another superannuation fund; (a) that where an employee is appointed to the civil service of the Government of Canada, or the staff of any board, commission or public institution established under any Act of this Legislature, an amount equal to his contributions and credits under this Act, or any portion thereof, with interest thereon at such rate as may be agreed upon, shall be paid out of the Fund into any corresponding fund that is maintained to provide superannuation benefits for members of such civil service or staff, as the case may be; and

into Fund out of another superannuation fund. (b) that where a person employed in the civil service of the Government of Canada or on the staff of any board, commission or public institution established under any Act of this Legislature is appointed an employee, an amount shall be paid into the Fund in respect of the period during which such person was employed in the civil service of the Government of Canada, or on the staff of such board, commission or public institution, as the case may be, and allowing him credit under this Part in respect of such amount and the period of employment represented thereby. 1941, c. 46, s. 2, part, amended.

General.

Annual statement to Assembly Governor in Council a report with respect to the preceding fiscal year showing,—

- (a) the names of the employees that have died or retired;
- (b) the position held by each of them;
- (c) the amount of salary payable to each of them at the time of death or retirement;
- (d) the age of each of them at death or retirement;
- (e) the cause of retirement;
- (f) the amount of the superannuation or other allowance payable in each case; and
- (g) all other payments authorized under this Part and particulars thereof,

which report shall be laid before the Assembly at the next session of the Legislature. R.S.O. 1937, c. 15, s. 50, part, amended.

- **38.** The Lieutenant-Governor in Council or the Board, Regulations subject to the approval of the Lieutenant-Governor in Council, may make regulations,—
 - (a) prescribing the proofs to be furnished as a condition to the payment of an allowance;
 - (b) prescribing the times at which and the manner in which contributions to the Fund shall be made by any class of employees with respect to which special circumstances exist:
 - (c) determining the maximum number of years of contribution to the Fund, the maximum amount of contribution to the Fund or the maximum salary on which contributions shall be reckoned; and
 - (d) generally for the better carrying out of this Part. R.S.O. 1937, c. 15, s. 46, part, amended.
- **39.** The cost of administration of this Part shall be payable Cost of out of such moneys as may be appropriated therefor by the tion. Legislature. R.S.O. 1937, c. 15, s. 36, amended.
 - **40**. The passing of this Act shall not operate to,—

Existing allowances.

(a) increase or decrease the amount of any allowance that is being paid when this Act comes into force; or

(b) affect any right to an allowance created under any predecessor of this Act and where there is any such right, the provisions of this Act shall apply mutatis mutandis thereto. New.

Payments re members of forces.

41. All payments into the Fund made in respect of an employee for any period during which he was a member of His Majesty's forces are confirmed. *New*.

REPEAL.

Rev. Stat., c. 15; 1938, c. 37, s. 21; 1941, c. 46; 1943, c. 28, s. 33; 1946, c. 83, repealed. 42. The Public Service Act, section 21 of The Statute Law Amendment Act, 1938, The Public Service Amendment Act, 1941, section 33 of The Statute Law Amendment Act, 1943, and The Public Service Amendment Act, 1946, are repealed.

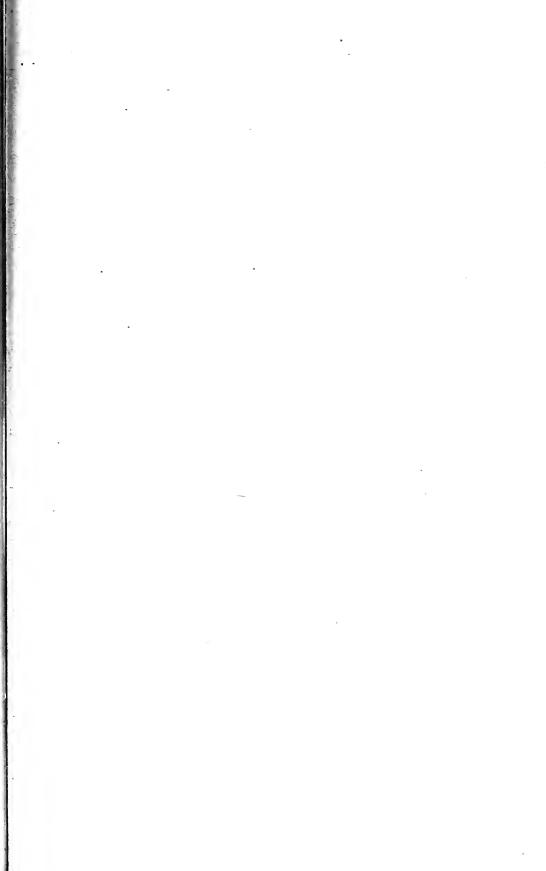
COMMENCEMENT OF ACT.

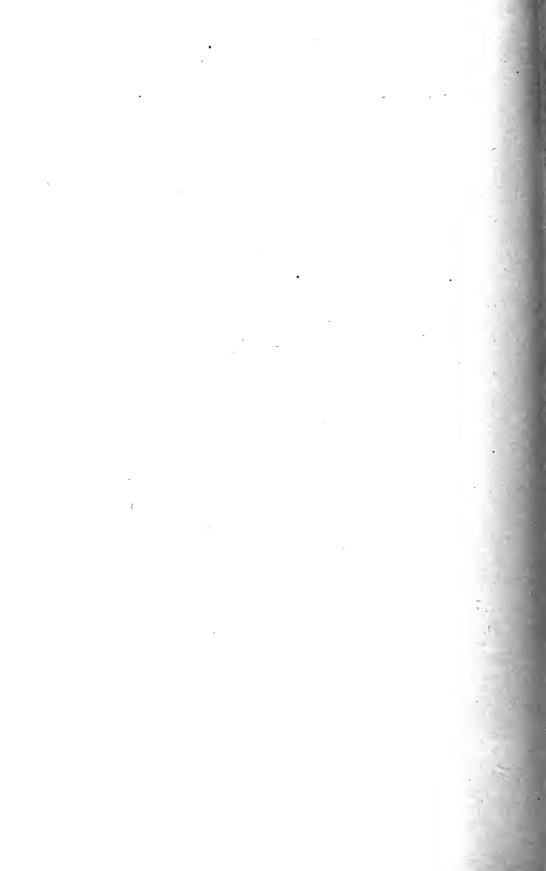
Commencement of Act. **43**. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

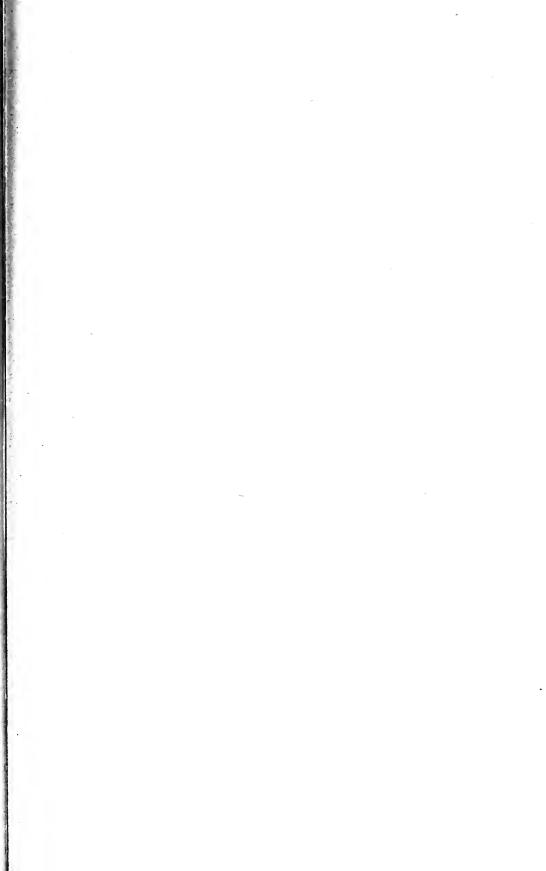
SHORT TITLE.

Short title.

44. This Act may be cited as The Public Service Act, 1947.







BILL

The Public Service Act, 1947.

Ist Reading
October 27th, 1947

2nd Reading October 28th, 1947

3rd Reading

October 30th, 1947

Mr. Michener

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Public Lands Act.

MR. SCOTT

EXPLANATORY NOTE

Grants of land under the so-called Veterans Land Act (1901, c. 6) did not state that such grants were "for agricultural purposes", nor does the Act so provide. Therefore under *The Public Lands Act* the Minister has no power to release the pine on these lands.

Under the Act as amended the Minister will have the same power to release pine on these veterans' lands as he now has in the case of lands granted expressly "for agricultural purposes".

No. 169 1947

BILL

An Act to amend The Public Lands Act.

IS MAJESTY, by and with the advice and consent of **1** the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 2 of section 52 of The Public Lands Act, Rev. Stat., as re-enacted by section 4 of The Public Lands Amendment subs. 2 (1946. Act, 1946, is amended by inserting after the word "purposes" amended. in the third line the words "or under the Act entitled An Act to provide for the appropriation of certain lands for the Volunteers who served in South Africa and the Volunteer Militia who served on the frontier in 1866, being chapter 6 of the Statutes of Ontario, 1901", so that the said subsection exclusive of the clauses shall now read as follows:
 - (2) Where letters patent issued after the 30th day of Release from April, 1880, for lands disposed of for agricultural of pine trees. purposes or under the Act entitled An Act to provide for the appropriation of certain lands for the Volunteers who served in South Africa and the Volunteer Militia who served on the frontier in 1866, being chapter 6 of the Statutes of Ontario, 1901, reserve pine trees to the Crown and where the land is not under timber license, the Minister, upon application of the owner and,-

- 2. This Act shall come into force on the day upon which Commencement of Act. it receives the Royal Assent.
- 3. This Act may be cited as The Public Lands Amendment Short title. Act, 1947 (No. 2).

BILL

An Act to amend The Public Lands Act.

1st Reading

October 27th, 1947

2nd Reading

3rd Reading

Mr. Scott

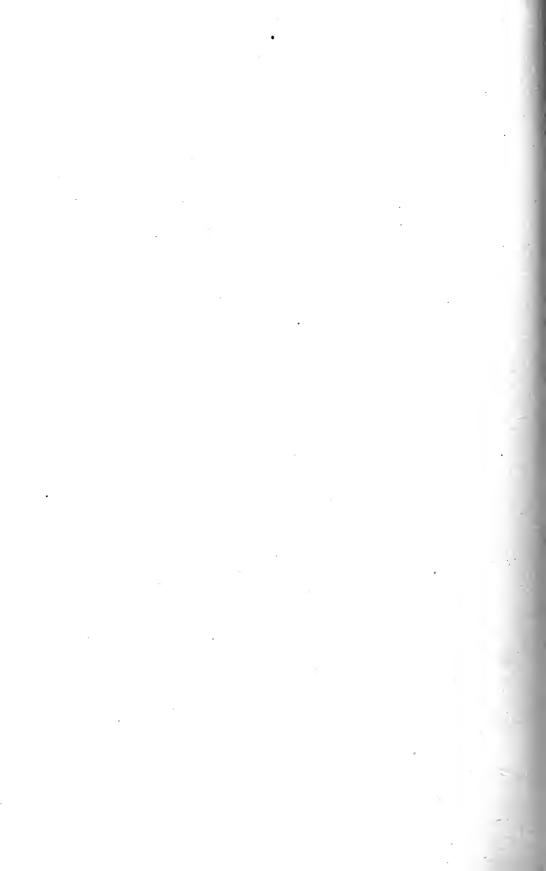
3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Public Lands Act.

MR. SCOTT

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 169

1947

BILL

An Act to amend The Public Lands Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 2 of section 52 of The Public Lands Act, Rev. Stat., as re-enacted by section 4 of The Public Lands Amendment subs. 2 (1946. Act, 1946, is amended by inserting after the word "purposes" amended. in the third line the words "or under the Act entitled An Act to provide for the appropriation of certain lands for the Volunteers who served in South Africa and the Volunteer Militia who served on the frontier in 1866, being chapter 6 of the Statutes of Ontario, 1901", so that the said subsection exclusive of the clauses shall now read as follows:
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- 2. This Act shall come into force on the day upon which Commenceit receives the Royal Assent.
- 3. This Act may be cited as The Public Lands Amendment Short title. Act, 1947 (No. 2).

BILL

An Act to amend The Public Lands Act.

1st Reading
October 27th, 1947

2nd Reading October 28th, 1947

3rd Reading

October 30th, 1947

Mr. Scott

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Wolf and Bear Bounty Act, 1946.

MR. SCOTT

EXPLANATORY NOTES

Section 1—Subsection 1. The repeal of this clause is complementary to *The Game and Fisheries Amendment Act, 1947*, which repealed the provision for the Department of Game and Fisheries.

Subsection 2. The administration of this Act is assigned to the Minister of Lands and Forests in the Act itself.

Sections 2 and 3. The office of district superintendent of game and fisheries no longer exists. The reference to such office is therefore deleted.

Persons are to be designated by the Minister as wolf bounty officers before whom wolf skins may be produced.

BILL

An Act to amend The Wolf and Bear Bounty Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause a of section 1 of The Wolf and Bear Bounty 1946, c. 110, Act, 1946, is repealed.
- (2) Clause b of the said section 1 is repealed and the follow- $\frac{1946}{s.}$, cl. $\frac{110}{s.}$, ing substituted therefor:
 - (b) "Minister" shall mean Minister of Lands and Forests. "Minister";
- 2. Section 2 of *The Wolf and Bear Bounty Act*, 1946, is 1946. c. 110, s. 2, repealed and the following substituted therefor: re-enacted.
 - 2. Where in any county a person has killed a timber or Proof of brush wolf and produces the whole skin within a applicant. period of six months after the killing before the treasurer of the county, a magistrate, or one of the persons designated by the Minister as wolf bounty officers, together with an affidavit in the prescribed form stating the place where and the date when the wolf was killed and that such wolf was not kept in captivity while it was under the age of three months, the treasurer, magistrate, or person as aforesaid shall give to the person producing the skin, a certificate in the prescribed form.
- 3. Subsection 1 of section 5 of *The Wolf and Bear Bounty* 1946. c. 110. s. 5. Act, 1946, is repealed and the following substituted therefor: subs. 1. re-enacted.
 - (1) Where a timber or brush wolf has been killed in a Proof of provisional judicial district, the skin may be produced provisional before a magistrate, the clerk of the district court or district. one of the persons designated by the Minister as wolf bounty officers.

1946, c. 110, s. 8, subs. 2, amended.

4. Subsection 2 of section 8 of The Wolf and Bear Bounty Act, 1946, is amended by striking out the words "may be prescribed by the regulations" in the fifth line and inserting in lieu thereof the words "the Minister may direct", so that the said subsection shall now read as follows:

Forfeiture of skin.

(2) Upon conviction for an offence under subsection 1 every wolf skin in respect of which the offence was committed shall be forfeited to and become the property of the Crown in right of Ontario, and may be disposed of in such manner as the Minister may direct.

- 1946. c. 110, s. 10, s. 10. subs. 2, cl. a, Bear Bounty Act, 1946, is amended by striking out the words amended. "such officer as the Minister may designate" in the fourth line and inserting in lieu thereof the words "one of the persons designated by the Minister as bear bounty officers", so that the said clause shall now read as follows:
 - (a) produces the whole skin thereof within a period of three weeks after the killing before a magistrate, justice of the peace, game and fisheries officer or one of the persons designated by the Minister as bear bounty officers.

Commencement of Act.

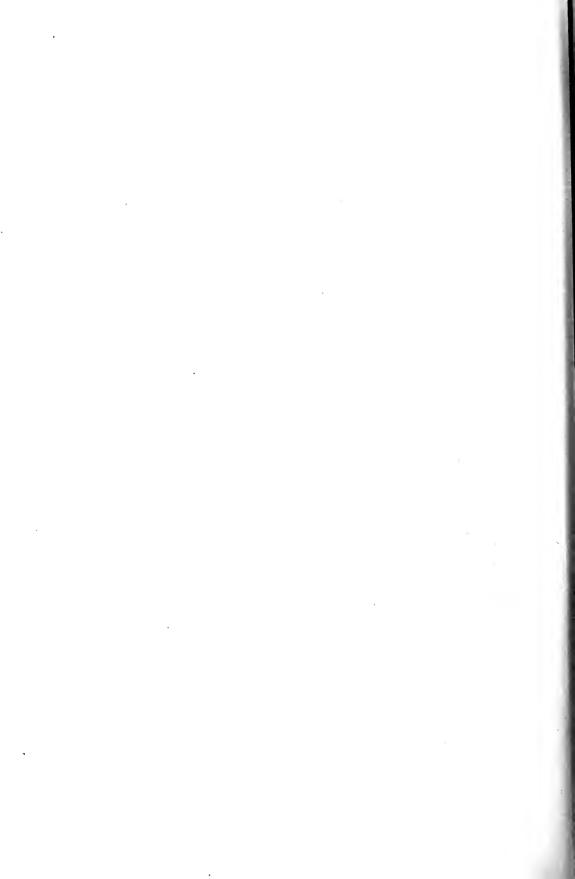
6. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

7. This Act may be cited as The Wolf and Bear Bounty Amendment Act, 1947.

 ${\bf SECTION} \ \ {\bf 4.} \quad {\bf This} \ amendment \ provides \ more \ latitude \ in \ the \ disposition \ of \ forfeited \ wolf \ skins.$

Section 5. Persons are to be designated by the Minister as bear bounty officers before whom bear skins may be produced.





INO. I/O

An Act to amend The Wolf and Bear Bounty Act, 1946.

1st Reading

October 27th, 1947

2nd Reading

3rd Reading

Mr. Scott

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

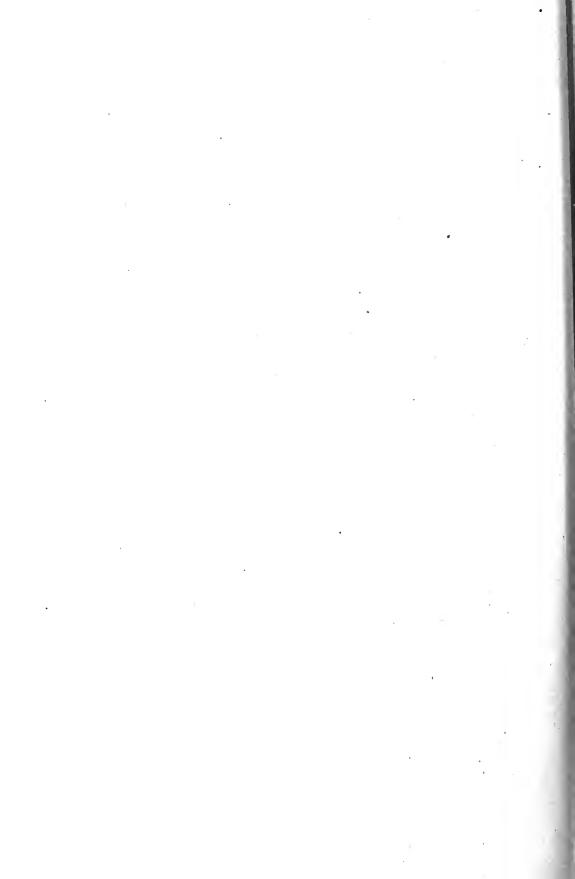
BILL

An Act to amend The Wolf and Bear Bounty Act, 1946.

Mr. Scott

TORONTO

PRINTED AND PUBLISHED BY BAPTIST JOHNSTON PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



An Act to amend The Wolf and Bear Bounty Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause a of section 1 of The Wolf and Bear Bounty 1946, c. 110, Act, 1946, is repealed.
- (2) Clause b of the said section 1 is repealed and the follow- $\frac{1946}{s}$, c. $\frac{110}{s}$, ing substituted therefor:
 - (b) "Minister" shall mean Minister of Lands and Forests. "Minister";
- 2. Section 2 of *The Wolf and Bear Bounty Act*, 1946, is ¹⁹⁴⁶_{c. 110, s. 2}, repealed and the following substituted therefor: re-enacted.
 - 2. Where in any county a person has killed a timber or Proof of brush wolf and produces the whole skin within a applicant period of six months after the killing before the treasurer of the county, a magistrate, or one of the persons designated by the Minister as wolf bounty officers, together with an affidavit in the prescribed form stating the place where and the date when the wolf was killed and that such wolf was not kept in captivity while it was under the age of three months, the treasurer, magistrate, or person as aforesaid shall give to the person producing the skin, a certificate in the prescribed form.
- 3. Subsection 1 of section 5 of *The Wolf and Bear Bounty* 1946. c. 110. s. 5. Act, 1946, is repealed and the following substituted therefor: subs. 1. re-enacted.
 - (1) Where a timber or brush wolf has been killed in a Proof of provisional judicial district, the skin may be produced provisional before a magistrate, the clerk of the district court or judicial one of the persons designated by the Minister as wolf bounty officers.

1946, c. 110, s. 8, subs. 2, amended.

4. Subsection 2 of section 8 of The Wolf and Bear Bounty Act, 1946, is amended by striking out the words "may be prescribed by the regulations" in the fifth line and inserting in lieu thereof the words "the Minister may direct", so that the said subsection shall now read as follows:

Forfeiture of skin.

(2) Upon conviction for an offence under subsection 1 every wolf skin in respect of which the offence was committed shall be forfeited to and become the property of the Crown in right of Ontario, and may be disposed of in such manner as the Minister may direct.

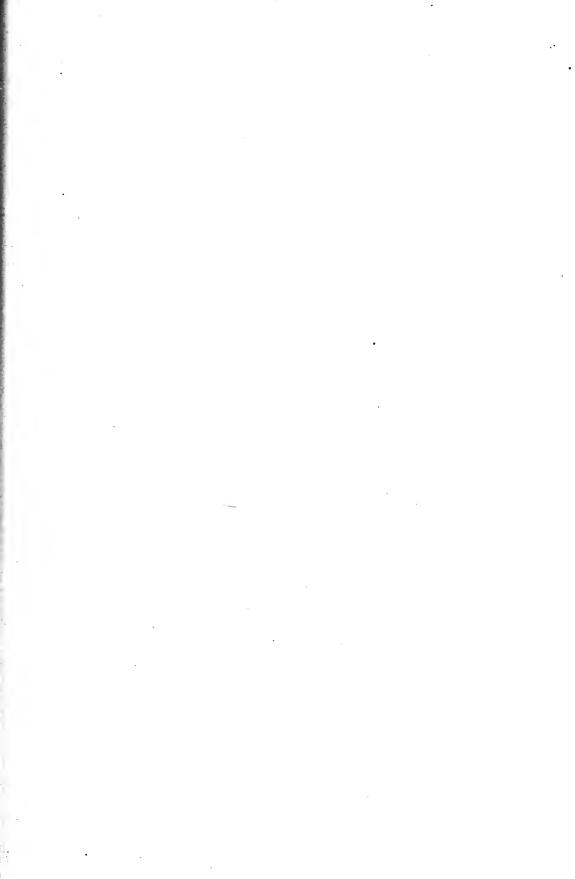
1946, amended.

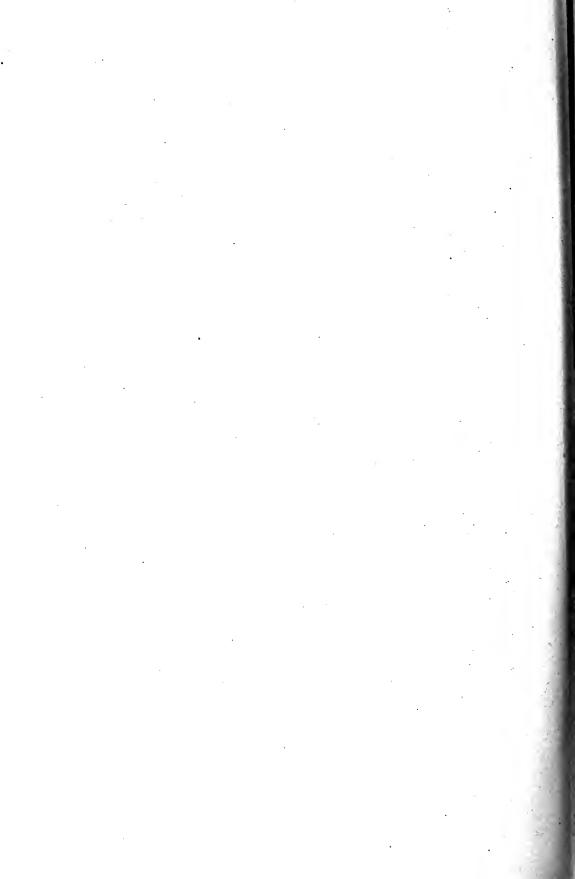
- **5**. Clause a of subsection 2 of section 10 of The Wolf and subs. 2, cl. a. Bear Bounty Act, 1946, is amended by striking out the words "such officer as the Minister may designate" in the fourth line and inserting in lieu thereof the words "one of the persons designated by the Minister as bear bounty officers", so that the said clause shall now read as follows:
 - (a) produces the whole skin thereof within a period of three weeks after the killing before a magistrate, justice of the peace, game and fisheries officer or one of the persons designated by the Minister as bear bounty officers.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

7. This Act may be cited as The Wolf and Bear Bounty Amendment Act, 1947.







An Act to amend The Wolf and Bear Bounty Act, 1946.

1st Reading October 27th, 1947

2nd Reading October 28th, 1947

3rd Reading October 30th, 1947

Mr. Scott

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Fuel Supply Act.

EXPLANATORY NOTE

The Fuel Supply Act provides procedures and powers designed to assist in the supply and distribution of wood, peat and other fuels in periods of emergency when fuels are in short supply.

Clause d of section 8 empowers the Lieutenant-Governor in Council to make regulations granting to the Minister of Mines such powers, in addition to those expressly conferred by the Act, as may be deemed necessary in order to provide a sufficient supply of fuel to the inhabitants of Ontario or any locality therein.

Section 9 provides that the Act "shall not include, or apply to oil, natural or artificial gas or electricuty".

The amendment extends the application of the Act to natural and artificial gas and products that are used to supplement the supply of natural gas.

An Act to amend The Fuel Supply Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 9 of *The Fuel Supply Act* is repealed and the Rev. Stat., following substituted therefor:

 c. 53, s. 9, re-enacted.
 - 9.—(1) Where the context permits, this Act shall extend Application to and include natural gas, artificial gas and every of Act. natural or artificial product that may be used to supplement the supply of natural gas.
 - (2) This Act shall not apply to electricity.

Saving.

- 2. This Act shall come into force on the day upon which it Commencereceives the Royal Assent.
- 3. This Act may be cited as The Fuel Supply Amendment Short title. Act, 1947.

INO. 1/1

An Act to amend. The Fuel Supply Act.

1st Reading October 28th, 1947

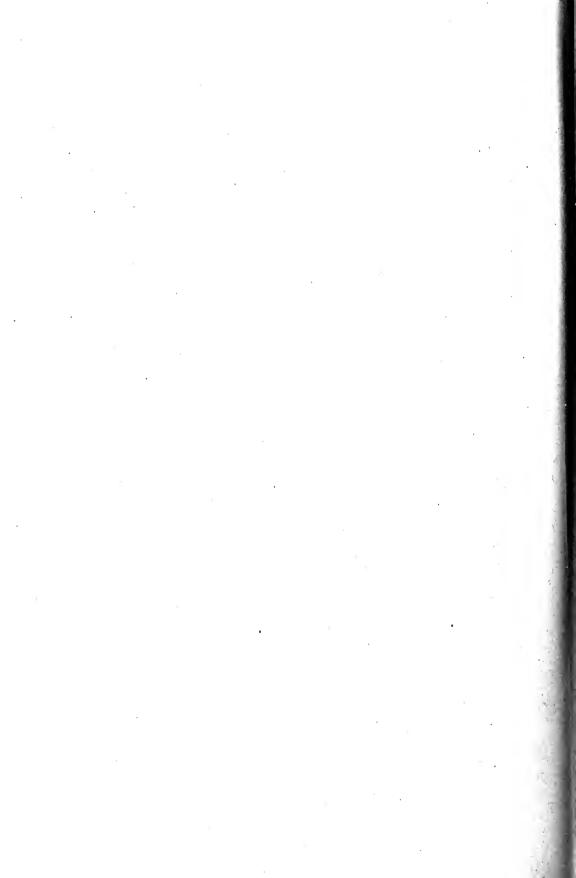
2nd Reading

3rd Reading

3rd Session, 22nd Legislature, Ontario 11 George VI, 1947

BILL

An Act to amend The Fuel Supply Act.



No. 171

1947

BILL

An Act to amend The Fuel Supply Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 9 of *The Fuel Supply Act* is repealed and the Rev. Stat., following substituted therefor:

 C. 53, s. 9. re-enacted.
 - 9.—(1) Where the context permits, this Act shall extend Application to and include natural gas, artificial gas and every of Act. natural or artificial product that may be used to supplement the supply of natural gas.
 - (2) This Act shall not apply to electricity.

Saving.

- 2. This Act shall come into force on the day upon which it Commence-receives the Royal Assent.
- 3. This Act may be cited as The Fuel Supply Amendment short title. Act, 1947.

1st Reading

An Act to amend The Fuel Supply Act.

October 28th, 1947

2nd Reading
October 29th, 1947

3rd Reading October 30th, 1947

